

# APPENDIX

Supreme Court, U. S.

FILED

NOV 22 1978

MICHAEL BODAK, JR., CLERK

IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1978

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No. 78-91

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R. W. JONES, SR., *et al.*,  
*Petitioners,*

*v.*

CHARLES T. WOLF, *et al.*,  
*Respondents.*

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ON WRIT OF CERTIORARI TO THE  
SUPREME COURT OF GEORGIA

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PETITION FOR CERTIORARI FILED JULY 17, 1978  
CERTIORARI GRANTED OCTOBER 10, 1978

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# INDEX TO GEORGIA SUPREME COURT RECORD

IN THE SUPREME COURT OF THE  
STATE OF GEORGIA

FROM  
BIBB SUPERIOR COURT

R. W. JONES, SR., ROBERT E. LUCAS AND RALPH MIGNEREY,  
*Appellants*

*vs.*

CHARLES T. WOLF, F. LAMAR FLEMING AND  
HENRY M. HOPE, JR.,  
*Appellees*

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## COMPLAINT, FILED 4/6/76

SUPERIOR COURT OF BIBB COUNTY GEORGIA

R. W. JONES SR.,  
ROBERT E. LUCAS  
AND RALPH MIGNEREY,*Plaintiffs*

v.

CHARLES T. WOLF,  
F. LAMAR FLEMMING  
AND HENRY M. HOPE JR.,*Defendants*No.  
BIBB COUNTY,  
GEORGIA,BIBB SUPERIOR  
COURT

## COMPLAINT

COME NOW R. W. Jones Sr., Robert E. Lucas and Ralph Mignerey, individually and as representatives of a class hereinafter described, and filing this their complaint against Charles T. Wolf, F. Lamar Fleming and Henry M. Hope Jr., individually and as representatives of a class hereinafter described, respectfully show the following facts:

1.

Defendants are residents of said State and County, and are subject to the jurisdiction of this Court.

2.

The venue of this action is properly in the Superior Court of Bibb County by virtue of the facts that the defendants are residents of said County and the properties which form the subject-matter of this action are located in said County.

3

3.

The Presbyterian Church In The United States is a Hierarchical Church with a connectional form of government; and plaintiffs, and the class they represent, are, and for many years have been, members of said Church.

4.

The Vineville Presbyterian Church, located in Macon, Georgia, was and is a Local Unit of The Presbyterian Church In The United States.

5.

Plaintiffs, and the class they represent, were and are members of The Vineville Presbyterian Church, a Local Unit of The Presbyterian Church In The United States; the persons constituting said class are too numerous to bring before the Court; these plaintiffs will fairly insure the adequate representation of all members of said class; and the interest asserted by plaintiffs and all members of their class is several in that the object of this action is the adjudication of a claim which will affect the specific properties involved in this case, all within the purview of Sec. 81A-123(a)(2), *Ga. Code Ann.*

6.

The defendants, and the class they represent, were formerly members of The Presbyterian Church In The United States who withdrew from said Church at the time and in the manner hereinafter described; defendants, and the class they represent, were members of The Vineville Presbyterian Church at the time of said withdrawal; and the named defendants will fairly insure the adequate representation of all members of said class within the purview of Sec. 81A-123(a)(2), *Ga. Code Ann.*



7.

The Structure of The Presbyterian Church In The United States is such that a Local Unit of said Church is governed by what is known as its Session; the Sessions of the Local Church Unit are governed by what is known as a Presbytery which governs several Local Church Units within a designated geographical area; the Presbytery is governed by what is known as a Synod which governs all Local Church Units and Presbyteries within a State; and the Synods are governed by the General Assembly which governs all Local Church Units, Presbyteries and Synods in the United States. Said structure is prescribed and defined by Chapters 15 through 18, inclusive, of the BOOK OF CHURCH ORDER attached hereto as Exhibit "A"; and each Governmental Unit in said structure (Presbytery, Synod and General Assembly) is specifically designated as a Church Court by Chapter 14 of said BOOK OF CHURCH ORDER.

8.

On May 27, 1973, the defendants and the members of the class they represent caused to be submitted to the congregation of The Vineville Presbyterian Church a resolution purporting to withdraw said Local Church Unit from The Presbyterian Church In The United States, a copy of said resolution being attached hereto as Exhibit "B"; and a majority of said congregation, consisting of the defendants and the class they represent, voted for the adoption of the resolution, all as shown by a copy of the official minutes of said meeting, attached hereto as Exhibit "C".

9.

On said date of May 27, 1963, the Presbytery of Macon-Augusta, the Church Court of The Presbyterian Church In The United States with the immediate jurisdiction over the Local Church Unit known as Vineville

Presbyterian Church, was notified of the adoption of the aforesaid resolution by a written document, a copy of which is attached as Exhibit "D"; and, on the same day, said Church Court of The Presbyterian Church In The United States was notified of the withdrawal of defendant Hope from the jurisdiction of The Presbyterian Church In The United States, a copy of the document effecting such withdrawal being attached hereto as Exhibit "E".

10.

After withdrawing from The Presbyterian Church In The United States, the defendants and the class they represent united with and became a member Church of The Central Georgia Presbytery Of The Presbyterian Church In America.

11.

The Church Courts of The Presbyterian Church In The United States hereinabove described are authorized and empowered to appoint Commissions to perform the functions of the Church Court, said authority being expressly given by Sec. 19-2 through 19-5 of said BOOK OF CHURCH ORDER attached as Exhibit "A".

12.

On or about June 26, 1973, a duly authorized Commission of The Presbyterian Church In The United States issued its ruling, order and judgment on said actions of the defendants and the class they represent, a copy of the same being attached hereto as Exhibit "F". Said ruling, order and judgment was issued by said Commission of said

Court pursuant to the provisions of Sec 111-2 and Sec. 111-3 of the BOOK OF CHURCH ORDER attached as Exhibit "A". Said ruling, order and judgment decreed that the defendants and the class they represent were no longer officers or members of The Presbyterian Church In The United States, and that the plaintiffs and the class they represent were the true members of said Church. No appeal was taken by defendants or any member of the class they represent to any higher Church Court of The Presbyterian Church In The United States.

## 13.

Plaintiffs Jones, Lucas and Mignerey are the Trustees of Vineville Presbyterian Church, all as shown by an instrument filed of record in the Office of the Clerk of Bibb Superior Court in accordance with the provisions of Sec. 22-5509, *Ga. Code Ann.*; and title to all property of Vineville Presbyterian Church, both real, personal and mixed is in said Trustees by operation of Sections 22-5507, 22-5508 and 22-5509, *Ga. Code Ann.*

## 14.

Notwithstanding the facts that defendants and the class they represent have voluntarily withdrawn from The Presbyterian Church In The United States and have united with and become a member Church in a different religious organization, and notwithstanding the facts that plaintiffs, in the capacity of Trustees of the class they represent, hold legal title to the Church property with the full sanction of the Church Court, the defendants and the class they represent nevertheless continue to maintain possession, dominion and control over the Church Edifice and all of its appurtenances and assets and are utilizing them to propagate the tenets and doctrines of The Presbyterian Church In America.

## 15.

By virtue of the foregoing facts, plaintiffs and the class they represent have been prohibited and excluded from utilizing the Church Edifice and its appurtenances and assets as a Local Church Unit of The Presbyterian Church In The United States, although their faith, loyalty and allegiance has at all times remained with said Church.

## 16.

Defendants and the class they represent have never claimed any right of possession of said Church property pursuant to the Act of the General Assembly of Georgia of 1968, pgs. 565, 582, Codified as Sec. 22-5504 and Sec. 22-5506, *Ga. Code Ann.*; they have denied claiming the property on said basis in documents filed by them in Federal litigation between these parties; and they do not now claim said property pursuant to the terms of said Statute.

## 17.

Plaintiffs and the class they represent have at all times diligently pursued their rights in the premises in that on February 1, 1974, they instituted an action In The United States For The Middle District Of Georgia against the defendants and the class they represent, but said action was dismissed by said Court solely for an alleged lack of Federal jurisdiction which judgment was subsequently affirmed by The United States Fifth Circuit Court Of Appeals, and concerning which a Writ of Certiorari was denied to the plaintiffs by The Supreme Court Of The United States on March 22, 1976.

18.

Plaintiffs and the class they represent bring this action for a declaratory judgment adjudicating their rights in the premises and for a permanent injunction enjoining the defendants and the class they represent from continuing to use said Church premises, property and assets for any purpose other than as a unit of The Presbyterian Church In The United States, and from exercising possession, dominion and control over said premises in such manner as to prevent plaintiffs and the class they represent from utilizing and operating the same as a Local Unit of The Presbyterian Church In The United States.

WHEREFORE, plaintiffs pray:

(a) The issuance and service of summons in terms of law.

(b) That they be granted a declaratory judgment adjudicating that they are persons entitled to possession, control and quiet enjoyment of all property of Vineville Presbyterian Church for use and operation as a Local Unit of The Presbyterian Church In The United States.

(c) For permanent injunction enjoining the defendants and the class they represent from continuing to use said Church premises and property for any purpose other than as a Local Unit of The Presbyterian Church In The United States.

(d) For permanent injunction enjoining the defendants and the class they represent from exercising possession, dominion and control over said Church premises and property so as to prevent plaintiffs and the class they represent from utilizing and operating the same as a Local Unit of The Presbyterian Church In The United States.

(e) For permanent injunction enjoining the defendants and the class they represent from continuing to use

said Church premises and property for any purpose inconsistent with the order, ruling and judgment of the Church Court hereinabove described.

(f) For permanent injunction enjoining defendant Henry M. Hope, Jr. from operating as Pastor at The Vineville Presbyterian Church in view of his withdrawal from The Presbyterian Church In The United States and the ruling, order and judgment of the Church Court withdrawing his authority to function in said capacity.

(g) For such other and further relief as may be appropriate.

HARRIS, WATKINS, TAYLOR &  
DAVIS  
BY:

P. O. Address:

JOHN B. HARRIS, JR.  
John B. Harris, Jr.

Georgia Power Building  
Macon, Georgia

T. REESE WATKINS  
T. Reese Watkins

ADAMS, O'NEAL, HEMINGWAY,  
KAPLAN, STONE & BROWN  
BY:

P. O. Address:

H. T. O'NEAL, JR.  
H. T. O'Neal, Jr.

1000 American Fed. Bldg.  
Macon, Georgia

MANLEY F. BROWN  
Manley F. Brown  
*Attorneys for Plaintiffs*



## GEORGIA, BIBB COUNTY

Personally appeared before the undersigned officer authorized by law to administer oaths, R. W. Jones Sr., who, on oath, deposes and says that the facts set out in the foregoing complaint are true and correct.

R. W. JONES, SR.  
R. W. Jones, Sr.

Sworn to and subscribed before me  
this 6th day of April, 1976.

FLORENCE STEAD  
Notary Public, Bibb County, Georgia  
Notary Public, Bibb County, Georgia  
My Commission Expires May 15, 1977

## EXHIBIT A



## THE BOOK OF CHURCH ORDER

PRESBYTERIAN CHURCH IN THE UNITED STATES



THE  
BOOK OF CHURCH ORDER  
OF THE  
PRESBYTERIAN CHURCH  
IN THE UNITED STATES



*Printed for*  
THE GENERAL ASSEMBLY OF  
THE PRESBYTERIAN CHURCH IN THE UNITED STATES  
by  
The Board of Christian Education  
Richmond, Virginia

Revised Form of Government and Rules of Discipline (Revised 1961)

Directory for the Worship and Work of the Church (Revised 1963)

*Fourteenth printing 1972*  
(Incorporating changes made at the  
112th General Assembly)

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of the Presbyterian Church in the United States 1963

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## Historical Preface for the Form of Government and the Rules of Discipline



*The Form of Government* and *The Rules of Discipline* have their historic roots in the Protestant Reformation, which sought to reform the structure and life of the Church as well as the doctrine of the Church according to the Word of God. In particular, they have their source in the work of John Calvin in Geneva.

John Calvin belonged to the second generation of Reformers. He built upon the work of his early colleague in Geneva, William Farel, and upon the contributions to polity of Ecolampadius in Basel and Martin Bucer in Strasbourg. Calvin's contribution to church polity is to be found in the fourth book of the *Institutes* and in the practical development of the structure of church life in Geneva under his leadership. In 1537 Calvin and Farel presented the City Council with *Articles Concerning the Organization of the Church and Worship in Geneva*. In 1541 Calvin prepared a more elaborate polity entitled *Ecclesiastical Ordinances of the Church of Geneva*. Much of Calvin's ministry in Geneva was consumed in the defense of these Ordinances, and even the draft of 1561 fell short of Calvin's goal of a church fully independent of the state. This work became one of the most influential books in our Presbyterian history. However, the full development of Presbyterian polity in Geneva was subject to a twofold limitation. One was the City Council, which, having obtained freedom from the bishop, wanted to keep the reformed church under its power. Furthermore, Geneva was a city; and a polity which served its needs was not adequate for a nation. The development of Presbyterianism on a national scale as a series of graded courts was first achieved in France.

Calvin's ministry was marked by an emphasis on discipline, not only in the general sense of church polity but also in the sense of the regulation of conduct and life. Some Reformed confessions make discipline along with the preaching of the Word and the administration of the sacraments a mark of the Church's existence. The Church must practice discipline to maintain the

## THE BOOK OF CHURCH ORDER

honor of God, to prevent the corruption of the good by the evil, and to bring those who err to repentance. A characteristic of the Calvinistic tradition has always been an insistence upon Christian character and obedience to the will of God.

Presbyterianism began to make its appearance in Scotland as early as 1558. In 1560 John Knox and his colleagues presented Parliament with the *First Book of Discipline*. The Presbyterianism of this book was far from complete, but the influence of Calvin is apparent. Other influences were the polities of such churches as the Reformed Church of France, John a'Lasco's Congregation of Foreigners in London, Pullain's French Church in Strasbourg and the Church of England under Edward VI.

The *First Book of Discipline* was replaced by the *Second Book of Discipline* in 1592. Andrew Melville, who had studied for six years in France and who taught and studied for five years in Geneva, was the most influential person in its development. This polity provides for a series of graded courts. At this time Scotland was organized according to sessions, presbyteries, synods, and the General Assembly, demonstrating that Presbyterianism is as effective a polity for a nation as for a city. The *Second Book of Discipline* is more strictly Presbyterian than the first book, and as such is a very important source of the polity of our church.

While the battle for Presbyterianism was developing in Scotland, strong advocates of Presbyterianism also appeared in England. Among these were Walter Travers and Thomas Cartwright, who were responsible for a statement of Presbyterian polity known as *The Sacred Discipline of the Church, Described in the Word of God*. A very important document in the ancestry of American Presbyterianism is the *Form of Presbyterial Church Government*, which was prepared by the Westminster Assembly in 1644. The Westminster Assembly was composed of Episcopalians and Congregationalists as well as Presbyterians, and it met at a time when the question of a national polity for England was at issue. The result is that the Presbyterianism of the document is somewhat modified and the various stresses of the time are apparent.

Early Presbyterianism in America was guided by the Westminster *Form of Presbyterial Church Government*, which had been adopted by the Church of Scotland. In 1786 the Synod took action to provide a constitution which would be adapted to the Ameri-

## HISTORICAL PREFACE

can situation. In 1788 the *Form of Government and Discipline* was approved. The Synod rejected attempts to impose Scottish polity on the American church and also efforts to write a new polity and discipline. The polity which was adopted contains much which is taken from Britain and the Westminster Assembly, but it was also adapted to the demands of American church life. The *Form of Government* is a living document and was revised to meet the needs of the American church, especially in 1821.

When the Presbyterian Church in the United States (the Presbyterian Church in the Confederate States of America) came into being in 1861, it adopted the polity and discipline which had been in use in the Old School Assembly prior to the rupture. It also immediately appointed a committee to make revision of the *Form of Government* and the *Rules of Discipline*. J. H. Thornwell, who had been working on a revision of the *Rules of Discipline* before the division of the Church, was made chairman; and he was succeeded after his death in 1862 by J. B. Adger. The uncertainty of the times and the uncertainty of the church as to what it wanted in its polity delayed the adoption of a revision until 1879. The revised polity and discipline continues the tradition of Presbyterianism in America; but it also reflects the debates on polity which engaged such theologians as Charles Hodge, R. J. Breckinridge, J. H. Thornwell, T. E. Peck, and J. L. Girardeau. Distinctive emphases of Thornwell and his associates were written into the revision of 1879. Significant revisions have also been made in 1925 and 1945.

*Documents of Presbyterian Polity*

1. a) John Calvin, *Institutes of the Christian Religion*, Book IV.  
 b) "Articles Concerning the Organization of the Church and Worship at Geneva (1537)." *Library of Christian Classics*, Vol. XXII, Westminster Press, Philadelphia, 1954.  
 c) "Draft Ecclesiastical Ordonnances" (Geneva, 1541), *Library of Christian Classics*, Vol. XXII. Critical texts of the Articles of 1537 and of the Ordonnances of 1541 and 1561 can be found in *Joannis Calvini Opera Selecta*, Vol. I, II, edited by Peter Barth, Wilhelm Niesel, and Dora Scheuner. Chr. Kaiser, München, 1926 and 1952.
2. The polity of the Reformed Church in France (1559) and other continental polities may be found in *Bekenntnisschriften*



## THE BOOK OF CHURCH ORDER

und Kirchenordnungen der nach Gottes Wort reformierten Kirche, edited by Wilhelm Niesel. Evangelischer Verlag, A. G., Zollikon, Zurich.

3. *First Book of Discipline*. May be found in Laing, *The Works of John Knox*, Vol. II, and in modern English in William Croft Dickinson, editor, *John Knox's History of the Reformation*, Vol. II. Philosophical Library, New York, 1950.
4. *The Second Book of Discipline*. May be found in appendix of Stuart Robinson, *The Church of God*. Philadelphia and Louisville, 1858.
5. *The Sacred Discipline of the Church, Described in the Word of God*. May be found in the appendix of C. A. Briggs, *American Presbyterianism*. Charles Scribner's Sons, New York, 1885.
6. *Form of Presbyterian Church Government*. May be found in appendix of Stuart Robinson, *The Church of God*. *The Confession of Faith, the Larger Catechism, the Shorter Catechism, the Directory for Publick Worship, the Form of Presbyterian Church Government*. William Blackwood & Sons, Ltd., Edinburgh and London, 1959.
7. *The Southern Presbyterian Review* contains many articles on polity, written during the 19th-century debates. Charles Hodge, *Discussions in Church Polity* (edited by William Durant). Charles Scribner's, New York, 1878. T. E. Peck, *Notes on Ecclesiology*. Presbyterian Committee of Publication, Richmond, 1892. John B. Adger and J. L. Girardeau, editors, *The Collected Writings of James Henley Thornwell*, Vol. IV. Presbyterian Committee of Publication, Richmond, 1881. Thomas Smyth, *Presbytery and Not Prelacy*, 1843.
8. *The Form of Government and The Rules of Discipline* used in American Presbyterianism are found in many editions dating from 1789 and continuing down to the present time.

## Historical Preface for the Directory for the Worship and Work of the Church



*The Directory for the Worship and Work of the Church* has its source in the teaching of Scripture as it is interpreted in the Confession of Faith and in the everyday demands for the ordering of the Church's life. Its historical roots reach back to the ancient Church, but the more immediate origin of the Directory is to be found in the reformation of worship and practice that was an essential part of the Protestant Reformation of the sixteenth century and the Puritan revolution of the seventeenth century.

The Directory of our Church was first prepared in 1787-1788 with the constituting of the General Assembly. This Directory quite clearly owed a real debt to the Directory of the Westminster Assembly. However, it was sufficiently original and reflective of the frontier situation in America that it can be called an authentic document of American Presbyterianism. The Directory continued to be the official document of the Presbyterian Church in the United States after the division of the Presbyterian Church at the time of the Civil War. It has been revised many times since its origin in 1789. The current revision, which adds "Work" to the title, reflects the great expansion in church activities, both in the local congregation and in the higher courts, during the past one hundred years. This unification of worship and work is based upon the conviction that worship and work are alike the service of God and are governed by the Word of God as interpreted in the Confession and Catechisms.

It is important to note that the Directory is the product of many influences. There is no one narrowly defined pattern of Presbyterian or Reformed worship. The present practice of the Church is the product of many traditions in the Reformed family. Among the more important are the tradition of Zwingli, Farel, and John a'Lasco, with its emphasis upon preaching; the tradi-

## THE BOOK OF CHURCH ORDER

tion of Strasbourg and Geneva, with its emphasis on the sacraments as affixed to the Word; the tradition of the Puritans of the Westminster Assembly, with emphasis upon simplicity and Biblical authority; and the tradition of the American frontier, with its demand for worship relevant to a missionary situation.

It is important to note that the Directory is not a service book. This is a tradition which dates back to the Westminster Assembly. The members of this Assembly were in reaction against the abuses of the service book, which they believed made "an idle and unedifying ministry, which contented itself with set forms made to their hands by others." The Church has subsequently made profitable use of a service book, but it has limited its Constitution to a directory with guides and rules for worship but with no prescribed forms, save the ordination vows.

Important documents in the liturgical tradition of the Directory may be found as follows:

1. Early Reformed Liturgies  
Bard Thompson, *Liturgies of the Western Church*. The World Publishing Company, New York, 1961.  
Bard Thompson, "Reformed Liturgies in Translation," *Bulletin of the Theological Seminary of the Evangelical and Reformed Church*, XXVIII.  
Bard Thompson, "The Palatinate Liturgy," in *Theology and Life*, Vol. 6.
2. Westminster Assembly: *The Directory for Publick Worship*. See *the Confession of Faith, the Larger Catechism, the Shorter Catechism, the Directory for Publick Worship, the Form of Presbyterian Church Government*. William Blackwood & Sons, Ltd., Edinburgh and London, 1959.
3. *The Directory for Worship of American Presbyterianism*. Various editions of the *Book of Church Order* since 1789.

Members of the Revision Committee 1955-1963 were Vernon S. Broyles, Jr., Chairman; Edward D. Grant, Philip F. Howerton, John H. Leith, James A. Millard, Jr., and John W. Wade.

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## THE FORM OF GOVERNMENT



# THE FORM OF GOVERNMENT\*



## Preface

### I. JESUS CHRIST, THE KING AND HEAD OF THE CHURCH

Jesus Christ, upon whose shoulders the government is, whose name is called Wonderful, Counsellor, the Mighty God, the Everlasting Father, the Prince of Peace, of the increase of whose government and peace there shall be no end, sits upon the throne of David, and upon his kingdom to order it and to establish it with judgment and with justice from henceforth even forever. (Isaiah 9:6-7)

All power is given unto him in heaven and in earth by the Father, who raised him from the dead, and set him on his own right hand, far above all principality, and power, and might, and dominion, and every name that is named, not only in this world, but also in that which is to come. The Father has put all things under his feet, and gave him to be Head over all things to the Church, which is his body, the fulness of him that filleth all in all. (Ephesians 1:20-23)

Jesus Christ, being ascended up far above all heavens, that he might fill all things, received gifts for his Church, and gave officers necessary for the edification of his Church and the perfecting of his saints. (Ephesians 4:10-12)

Jesus Christ, who is the Mediator, the sole Priest, Prophet, King, Savior, and Head of the Church, contains in himself all the offices in his Church, and has many of their names attributed to him in the Scriptures. He is Apostle, Teacher, Pastor, Minister, and Bishop, the only Lawgiver in Zion. Since his ascension he is present with his Church by his Spirit and Word, and the benefits of all of his offices are effectually applied by the Holy Spirit.

It belongs to his Majesty from his throne of glory, to rule and

\* Approved and enacted by the General Assembly April 29, 1961.

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teach the Church, through his Spirit and Word, by the ministry of men, thus mediately exercising his own authority, and enforcing his own laws, unto the edification and establishment of his kingdom.

Christ, as King and Head of the Church, has given to his Church its officers, oracles, and ordinances. He has ordained therein his system of doctrine, government, discipline, and worship. These are either expressly set down in Scripture, or may by good and necessary inference be deduced therefrom. In matters of the worship of God and the government of the Church, there are some circumstances common to human actions and societies, which are to be ordered by reason and Christian prudence, according to the general rules of the Word, which always are to be observed. Insofar as this system is expressly set forth in Scripture nothing may be added or taken away.

### II. THE CONSTITUTION DEFINED

The Constitution of the Presbyterian Church in the United States consists of its doctrinal symbols, embraced in the Confession of Faith and the Larger and Shorter Catechisms, together with the Book of Church Order, which comprises the Form of Government, the Rules of Discipline, and the Directory for Worship.

### III. THE DOCTRINE OF CHURCH GOVERNMENT —SUMMARY

1. The Presbyterian form of Church government is government by Presbyters or Elders, gathered in courts in regular gradation. This scriptural form of Church government is here set forth under five parts, namely: A. The Church; B. Its Members; C. Its Officers; D. Its Courts; and E. Its Orders.

2. The Church catholic, which the Lord Jesus Christ has erected in this world for the gathering and perfecting of the saints, is his visible kingdom of grace, and is one and the same in all ages.

3. The members of this visible Church catholic are all those persons in every nation who make profession of faith in the Lord Jesus Christ and promise submission to his law, together with their children.

4. The officers of the Church, by whom all its powers are ad-

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ministered, are, according to the Scriptures, Ministers of the Word, Ruling Elders and Deacons.

5. Ecclesiastical jurisdiction is a joint power, to be exercised by Presbyters in courts, and cannot be exercised by Presbyters as individuals. The courts may have authority over one or many churches, but sustain such mutual relations as to express the unity of the Church.

6. Officers are ordained only by the authority of a court.

7. This scriptural doctrine of government by Presbyters or Elders is established for the perfecting of the order of the visible Church, but is not essential to its existence.

## PART I

## Doctrine of the Church

## CHAPTER 1

*The Nature and Extent of Church Power*

§ 1-1. The Church, with its ordinances, officers, and courts, is the agency of Christ which he has ordained for the edification of his people, for the propagation of the Christian faith and for the evangelization of the world.

§ 1-2. The power which Christ has given his Church is wholly moral and spiritual, and constitutes the Church a kingdom and government distinct from the civil commonwealth. This power rests not in individuals but in the Church as a whole.

§ 1-3. The sole functions of the Church are to proclaim, to administer, and to enforce the law of Christ revealed in Scripture. The exercise of Church power has divine sanction only when in conformity with the Word.

§ 1-4. Church power is exercised both by church members and by Church officers. It is exercised by the members of a church in choosing those whom Christ calls to office in his Church. It is exercised by Church officers individually, as in preaching the Gospel, administering the Sacraments, reproving the erring, visiting the sick, and comforting the afflicted, and is called the Power of Order. It is exercised by the Elders jointly, in Church courts, in the form of judgment or administration, and is called the Power of Jurisdiction.

## CHAPTER 2

*The Visible Church Catholic*

§ 2-1. The visible Church, before under the old Covenant, and now under the Gospel, is one and the same, and consists of all



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those who make profession of their faith in the Lord Jesus Christ, together with their children.

§ 2-2. The unity of the body of Christ, though obscured, is not destroyed by its division into different denominations of professing Christians. All denominations which maintain the Word and Sacraments in their fundamental integrity are to be recognized as true branches of the Church of Jesus Christ.

§ 2-3. The visible Church catholic includes the local congregations, or particular churches. This is in accord with scriptural teaching.

## CHAPTER 3

*The Particular Church*

§ 3-1. A particular church consists of a number of professing Christians and their children, associated together for divine worship and godly living as set forth in Scripture, and submitting to the lawful government of Christ's kingdom.

§ 3-2. Its officers are Pastor(s), Ruling Elders, and Deacons.

§ 3-3. Its government and jurisdiction, being a joint power, is lodged in the Church Session, which consists of the Pastor(s) and Ruling Elders.

§ 3-4. Its ministry of sympathy and service is especially lodged in the hands of the Deacons, who serve under the jurisdiction of the Session.

§ 3-5. The Ordinances established for his Church by Christ, the Head, are: prayer; the singing of psalms and hymns; reading, expounding, and preaching the Word of God; administering the Sacraments of Baptism and the Lord's Supper; fasting and thanksgiving; catechising; Christian nurture; making offerings for the relief of the poor, the extension of the Gospel and other Christian causes; exercising discipline; and, invoking the blessing of God upon the people.

§ 3-6. A church without a Pastor, and with no Minister avail-

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able, should be convened by the Session on the Lord's Day, and at other suitable times, for prayer, praise, the reading and expounding of the Holy Scriptures, and exhortation or the reading of a sermon of some approved Minister. In like manner, Christians in places where there is no church ought to meet regularly for the worship of God.

## CHAPTER 4

*The Organizing of a Particular Church*

§ 4-1. A church can be organized only by the authority of Presbytery. The Presbytery may proceed with the organization directly, or through a Commission, or through an Evangelist to whom the Presbytery has entrusted the power to organize churches. In the organizing of a church, the procedure shall be as follows:

(1) Church members shall present evidences of their membership, and applicants for admission to the Church on profession of faith in Christ shall present themselves for examination and baptism as necessary.

(2) These persons shall then be required to enter into covenant, by answering the following question affirmatively with uplifted hand: "Do you, in reliance on God for strength, solemnly promise and covenant that you will walk together as an organized church, on the principles of the faith and order of the Presbyterian Church in the United States, and that you will be zealous and faithful in maintaining the purity and peace of the whole Church?"

(3) The presiding Minister shall then say: "I now pronounce and declare that you are constituted a church according to the Word of God and the faith and order of the Presbyterian Church in the United States. In the name of the Father, and of the Son, and of the Holy Spirit. Amen."

(4) Ruling Elders and Deacons shall then be elected, if the way be clear, and steps taken for their instruction, examination, ordination, and installation.

(5) Action shall be taken to secure, as soon as practicable, the regular preaching of the Word and administration of the Sacraments. [See § 10-6; 23-4.]



## CHAPTER 5

*Congregational Meetings*

§ 5-1. The congregation consists of all the communing members on the active roll of a particular church. Only such members in good standing who are present at a congregational meeting are entitled to vote. A congregation may at its discretion set a minimum age for the voting of communing members in congregational meetings, provided that such age be not more than sixteen.

§ 5-2. The Session shall call a congregational meeting whenever necessary. It shall give public notice at least one week in advance. Only business stated in the notice shall be transacted. The Session shall call a congregational meeting without delay when requested in writing by one-fourth of the congregation.

§ 5-3. If the church has not more than one hundred members on the active roll, the quorum of a congregational meeting shall consist of one-fourth of such members. If the church has more than one hundred members on the active roll, the quorum shall be one-tenth of such members, but not less than twenty-five.

§ 5-4. The Pastor shall be the Moderator of congregational meetings by virtue of his office. If it should be impracticable or inexpedient for him to preside, or if there is no Pastor, the Session shall appoint one of its number to call the meeting to order and to preside until the congregation shall elect its presiding officer, who shall be a Minister of the Presbyterian Church in the United States or any adult member of that particular church. [See § 25-6.]

§ 5-5. A Clerk shall be elected by the congregation to serve at that meeting or for a definite period, or the Clerk of the Session may be chosen by common consent to be the Clerk of the congregational meeting. The Clerk shall keep correct minutes of the proceedings and of all business transacted and preserve these minutes in a permanent form, after they have been attested by the Moderator and the Clerk of the meeting. He shall also send a copy of these minutes to the Church Session, which shall enter them in its minute book.

## § 5-6

§ 5-6. A Minister, since he is not a member of the congregation, cannot vote in a congregational meeting. When a Minister is moderating a congregational meeting and there is a tie vote, he shall put the question a second time, and if there is not a majority for the motion, he shall declare the motion lost.

## CHAPTER 6

*Incorporation and Property of a Particular Church*

## § 6-1. FOR AN UNINCORPORATED CHURCH

A particular church which is not incorporated, desiring to elect trustees, may select from among its membership trustees or officers of like nature who shall have the power and authority to buy, sell, or mortgage property for the church, to accept and execute deeds as such trustees, to hold and defend titles to the same, to manage any permanent special funds entrusted to them for the furtherance of the purposes of the church. In the fulfillment of their duties such trustees shall be subject always to the authority, and shall act solely under the instructions, of the congregation which they serve as trustees. The powers and duties of such trustees must not infringe upon the powers or duties of the Session or of the Board of Deacons. Such trustees shall be elected in regularly constituted congregational meetings.

## § 6-2. FOR AN INCORPORATED CHURCH

If a particular church is incorporated, the provisions of its charter and bylaws must always be in accord with the Constitution of the Presbyterian Church in the United States. If the congregation is an incorporated body, all the communing members on the active roll of that church shall be members of the corporation. The officers of the corporation, whether they be given the title "Trustee" or some other title, shall be elected from among the members of the corporation in a regularly constituted congregational meeting. The powers and duties of such officers must not infringe upon the powers and duties of the Session or of the Board of Deacons. All funds collected for the support and expense of the church and for the benevolent purposes of the church shall be controlled and disbursed by the Session and the Board of Dea-

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cons as their relative authorities may from time to time be established and defined. To the officers of the corporation may be given by the charter and bylaws of the corporation any or all of the following responsibilities: The buying, selling, and mortgaging of the property for the church, the acquiring and conveying title to such property, the holding and defending title to the same, the managing of any permanent special funds entrusted to them for the furtherance of the purposes of the church, provided that such duties do not infringe upon the powers and duties of the Session or of the Board of Deacons. In buying, selling, and mortgaging real property such officers shall act solely under the authority of the corporation, granted in a duly constituted meeting of the corporation.

§ 6-3. If a church is dissolved by the Presbytery, or otherwise ceases to exist, and no disposition has been made of its property, those who hold the title to the property shall deliver, convey and transfer to the Presbytery of which the church was a member, or to the authorized agents of the Presbytery, all property of the church; and the receipt and acquittance of the Presbytery, or its proper representatives, shall be a full and complete discharge of all liabilities of such persons holding the property of the church. The Presbytery receiving such property shall apply the same or the proceeds thereof at its discretion.

## PART II

## Doctrine of Church Members

## CHAPTER 7

*Communing and Non-Communing Members*

§ 7-1. Communing members are those who have made a profession of faith in Christ, have been baptized, and have been admitted by the Session to the Lord's Table. They are entitled to all the rights and privileges of the Church, including the right to participate in the Sacrament of the Lord's Supper, the right to present children for Baptism, and the right to take part in meetings of the congregation of which they are members in good standing.

§ 7-2. The children of believers are, through the covenant and by right of birth, non-communing members of the Church, until admitted to the Lord's Table.

§ 7-3. All children of the covenant are entitled to Baptism, but whether baptized or not, are entitled to the pastoral oversight, instruction and government of the Church, with a view to their embracing Christ, and thus possessing personally all the benefits of the covenant.

## CHAPTER 8

*Jurisdiction Over Church Members*

§ 8-1. The Church Session may receive members from other churches by certificate of dismission from other churches in our own denomination or in another denomination recognized by our own as a true branch of the Church of Jesus Christ.

§ 8-2. When a church member is unable to obtain a certificate of dismission, he may be received upon presentation of other satisfactory testimonials that he is a member in good standing of an-

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other church, or upon his reaffirmation of his original covenant obligations. When a member is received in one of the above ways, the church to which he formerly belonged shall be notified, and the Session shall record him as received by certificate.

§ 8-3. The Church Session must grant a certificate of dismissal upon the request of any member of the church who is in good standing, whether requested for another church of our own denomination, or of one recognized by our own as a true branch of the Church of Jesus Christ.

§ 8-4. A certificate of dismissal is granted by a Session only to the governing body of another church.

§ 8-5. A church member who has removed his residence so that he no longer can participate regularly in the ordinances of his church is obligated to arrange for the transfer of his membership to the church with which he intends to unite.

§ 8-6. A member being transferred from one church to another is under the jurisdiction of the dismissing church until received by the other. No certificate of dismissal shall be valid testimony of good standing for more than one year.

§ 8-7. The Session shall keep three rolls of the members of the church: (1) active, (2) inactive, and (3) non-communing. The active roll shall consist of those admitted to the Lord's Table who are active in the church's life and work. The inactive roll shall consist of those removed by the Session from the active roll because of inactivity in the church's life and work. The non-communing roll shall consist of the baptized children of believers who are communing members of that particular church. Only the active roll need be reported to the Presbytery.

§ 8-8. The Session, mindful of their obligation as shepherds of souls, shall review carefully all three rolls at least annually.

§ 8-9. A member, who for one year willfully does not participate in the ordinances at his church nor otherwise express a serious interest in the church, may be transferred by the Session to the inactive roll. No name shall be placed upon the inactive roll in this

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manner until after the Session shall have made diligent effort to discover the causes of the member's non-participation and to restore him to activity in the church's life.

§ 8-10. A member who changes his residence so that he cannot participate regularly in the ordinances at his church shall be notified by the Session that it is his duty to arrange for the transfer of his membership to some church where he may be active. The Session shall at the same time notify the Session of a church into whose vicinity he has moved, requesting it to take pastoral oversight of the member. If such a member neglects for one year to have his membership transferred, his name may be placed upon the inactive roll.

§ 8-11. If a member whose name is on the inactive roll shall resume participation in the ordinances at his church, the Session shall act to restore his name to the active roll.

§ 8-12. When a member whose name is on the inactive roll requests the Session to dismiss him to another church, the Session shall grant a certificate of dismissal indicating his inactive status.

§ 8-13. When the name of a Ruling Elder or Deacon is placed on the inactive roll the Session shall at the same time dissolve his relationship as an officer in that church, and shall report its action to the congregation and to the officer.

§ 8-14. When a member moves temporarily for educational or military purposes he may establish an affiliated membership at a church where he is a resident. The Session may issue to the church with which the member intends to be affiliated a certificate of good standing, valid for one year and subject to renewal, but shall retain the member's name on its active roll. The Session receiving the certificate shall place the name on a separate roll for affiliated members, which shall not be reported to the Presbytery.

§ 8-15. If a communing member requests the Church Session to remove his name from the roll, or renounces his membership by joining some other denomination, the matter shall be handled by the Session under the appropriate provisions of The Rules of Discipline. [See R. D. § 111-1 through 4.]



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§ 8-16. When a member of the church is ordained to the Ministry of the Word, the ordaining Presbytery shall notify the particular church of which he has been a member. The Church Session shall note in its records that the Minister is now a member of the Presbytery and no longer a member of a particular church.

§ 8-17. A member who is serving abroad as an unordained missionary under the Board of World Missions may become a member of the church to which he is related in missionary service. The Session of his church shall retain the member's name on its active roll, and he shall be considered a member of both churches. The provisions of § 29-10 shall be applicable in the case of a member who is an officer in his church.

§ 8-18. If a church is dissolved by the Presbytery, or otherwise ceases to exist, and on the rolls of such church, members remain who have made no arrangements to transfer their membership to some other church, the Presbytery shall have power to transfer such members to another church within its bounds whose Session agrees to receive them.

## PART III

## Doctrine of Church Officers

## CHAPTER 9

*The Nature of Church Offices*

§ 9-1. Under the New Testament, our Lord at first collected his people out of different nations and united them to the household of faith by the mission of extraordinary officers endued with miraculous gifts. These extraordinary officers have ceased from the Church unless God shall choose from time to time to raise up such men.

§ 9-2. The whole polity of the Church consists of (1) doctrine, including worship and the administration of the Sacraments, (2) government, including discipline, and (3) distribution, the Church's ministry of compassion. For ordering the life of his Church, Christ, under the New Testament, has given his Church three offices: the office of the Minister of the Word and Sacraments, the office of the Ruling Elder, and the office of the Deacon. These are the ordinary offices, to be continued perpetually in the Church. Both men and women shall be eligible to hold Church offices.

§ 9-3. Both the Minister of the Word and the Ruling Elder are known as Presbyters, and they share equally in the governing of the Church.

§ 9-4. It is Christ's proper office to rule in his Church universal and in each particular church, through his Spirit and Word, by the ministry of men. Since the authority of any officer in the Church is derived from Christ and belongs not to the officer, any man who holds office should not assume any spiritual pre-eminence over his brethren, but be only minister, disciple, and servant.

## CHAPTER 10

*The Minister of the Word*

§ 10-1. This office is the first in the Church, both for dignity and usefulness. The person who fills it is given in Scripture different names expressive of his various duties. As he has the oversight of the flock of Christ, he is termed Bishop. As he feeds them with spiritual food, he is termed Pastor. As he serves Christ in the Church, he is termed Minister. As it is his duty to be serious and prudent and an example to the flock, and to govern well in the house and kingdom of Christ, he is termed Presbyter or Elder. As he is sent to declare the will of God to sinners and to beseech them to be reconciled to God through Christ, he is termed Ambassador. As he bears the glad tidings of salvation to the ignorant and perishing, he is termed Evangelist. As he stands to proclaim the Gospel, he is termed Preacher. As he expounds the Word, and by sound doctrine both exhorts and convinces the gainsayer, he is termed Teacher. As he dispenses the manifold grace of God and the ordinances instituted by Christ, he is termed Steward of the mysteries of God. These names do not indicate grades of office, but all describe one and the same officer.

§ 10-2. He that fills this office should be sound in the faith, apt to teach, and should possess a competency of human learning. He should exhibit sobriety and holiness of life becoming the Gospel. He should be a man of wisdom and discretion. He should rule his own house well. He should have a good report of them that are outside the Church.

§ 10-3. As the Lord has given different gifts to the Ministers of the Word, and has committed to them various works to execute, the Church is authorized to call and appoint them to labor as Pastors, Teachers, and Evangelists, and in such other works as may be needful to the Church, according to the gifts in which they excel.

§ 10-4. When a Minister, the Teaching Elder, is called by a congregation to labor as its Pastor, it belongs to his office to pray for and with his flock, as the mouth of the people unto God; to feed

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the flock, by reading, expounding, and preaching the Word; to direct the congregation in the worship of God; to administer the Sacraments; to invoke the blessing of God upon the people; to catechise the children and youth and to oversee the educational program of the church; to visit regularly the people, devoting special attention to the poor, the sick, the afflicted, and the dying; and, with the other Elders, to exercise the joint power of government.

§ 10-5. When a Minister is called by a Church court or agency of a court to labor as a Teacher in a theological seminary, college, university or school, it appertains to his office to take a pastoral oversight of those committed to his charge, and to be diligent in sowing the seed of the Word and gathering the fruit thereof, as one who cares for souls.

§ 10-6. When a Minister is called by a Presbytery to labor as an Evangelist, the Presbytery shall commission him to preach the Word and administer the Sacraments in other countries or in parts of the Church which have no regular ministration of the Word. The Presbytery may, by a separate act from that by which it commissioned him, entrust to the Evangelist for a period of twelve months the power to organize churches, and, until there is a Session in the church so organized, to instruct, examine, ordain, and instail Ruling Elders and Deacons therein, and to receive or dismiss members.

§ 10-7. When a Minister is called by a Church court or agency of a court to labor in an administrative capacity, or in the guidance of students attending a college or university, or in the Christian education program of the Church, or in military or institutional chaplaincy, or in any other field of service to the Church, it shall be incumbent on him to make full proof of his ministry by disseminating the Gospel for the edification of the Church.

## CHAPTER 11

*The Ruling Elder*

§ 11-1. As there were Elders of the people for the government of the Old Testament Church, so under the New Testament Christ has furnished others beside the Ministers of the Word with gifts and commission to govern when called thereunto. These officers are the Ruling Elders.

§ 11-2. Ruling Elders, the immediate representatives of the people, are chosen by them. Together with the Ministers, or Teaching Elders, they exercise government and discipline, and take the oversight of the spiritual interests both of the particular church and of the Church generally when appointed to represent their churches in the higher courts. In all the courts of the Church these Ruling Elders possess the same authority and the same eligibility to office as the Ministers of the Word.

§ 11-3. Those who fill this office should be blameless in life and sound in the faith, persons of wisdom and discretion. By the holiness of their walk and conversation they should be examples of Christian faith.

§ 11-4. It belongs to their office, both individually and jointly, to watch diligently over the congregation committed to their charge, that no corruption of doctrine or of morals enter therein. Evils which they cannot correct by private admonition they should bring to the notice of the Session. They should visit the people at their homes, especially the sick; they should instruct the ignorant, comfort the mourner, nourish and guard the children of the Church. They should pray with and for the people. They should be careful and diligent in seeking the fruit of the preached Word. They should inform the Pastor of cases of sickness, affliction and awakening, and of all others which may need his special attention. They should cultivate their aptness to teach the Word, and should supply places destitute of the regular ministry of the Word with the worship of God. All those duties which private Christians are bound to discharge by the law of love are especially incumbent upon the Ruling Elders by reason of their vocation to office, and are to be discharged by them as official duties.

## CHAPTER 12

*The Deacon*

§ 12-1. The office of Deacon as set forth in Scripture is one of sympathy and service after the example of Christ. It expresses the love and fellowship of saints who bear one another's burdens.

§ 12-2. To the office of Deacon, which is spiritual in nature, should be chosen persons of spiritual character, honest repute, exemplary lives, brotherly love, warm sympathies, and sound judgment.

§ 12-3. It is the duty of the Deacons, first of all, to minister to those who are in need, to the sick, to the friendless, and to any who may be in distress. It is their further duty to develop the grace of liberality in the members of the church; to plan, in collaboration with the Session, the objects toward which the offerings of the congregation shall regularly be directed; to plan effective methods for gathering these offerings; to receive other offerings as directed by the Session; and to see that all offerings are distributed among the objects toward which they have been contributed. It is their duty also to have the care of the property of the congregation, both real and personal, and to keep in proper repair the church edifice and other buildings belonging to the congregation. In matters of special importance affecting the property of the church they can take final action only with the consent of the congregation. The regular budget and other important financial matters require the approval of the Session.

§ 12-4. The Deacons of a particular church shall be organized as a Board, of which the Pastor and Associate Pastor shall be advisory members. The Board shall elect a Chairman and a Secretary from among its own number. The Secretary shall keep a record of the Board's proceedings, and shall submit its minutes to the Session at least once every six months and at other times upon the request of the Session. The Board shall appoint a Church Treasurer who shall be responsible to the Board. The Church Treasurer shall be entrusted with the regular offerings of the congregation. He shall keep a record of all funds in his cus-



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tody for inclusion in the minutes of the Board. The Board shall meet at regular intervals, or upon the call of its Chairman, or whenever requested by the Session. It shall meet at least quarterly. The Board of each church shall determine the number necessary for a quorum.

§ 12-5. As the whole church is under the jurisdiction of the Session, the Deacons, in the discharge of their duties, are under the supervision and authority of the Session. If it seems necessary or wise for the best interest of the church, the Session may void or amend any action of the Board of Deacons, or return it to them for further consideration. It is desirable that the Session and the Board of Deacons meet in joint session once a quarter to confer on matters of common interest. At such meetings the Moderator of the Session shall preside. The joint meeting can make no binding decision, but the Session and Board of Deacons can act separately on matters committed to the care of each. A congregation by a majority vote may elect not to use the office of Deacon. In such a case, or in the case where Deacons cannot be secured, the function of the office shall always be preserved and shall devolve upon the Ruling Elders and the Session. [See § 15-6.]

§ 12-6. Deacons may properly be appointed by the higher courts to serve on committees, or as trustees or treasurers.

§ 12-7. As expedient the Session may select and appoint godly persons of the congregation to assist the Deacons in ministering to the sick, to the aged, to widows, to orphans, to prisoners, and to others in any distress or need, and in exercising care of the church property. They may also aid the Deacons in collecting and distributing the offerings of the people.

## PART IV

## Doctrine of Church Courts

## CHAPTER 13

*Church Courts in General*

§ 13-1. A definite form is necessary for the government of the Church. It is expedient and agreeable to Scripture and to the practice of the early Christians that the Church be governed by representative assemblies, composed exclusively of Presbyters or Elders. These assemblies, called Church courts, in the order of their regular gradation, are: Church Sessions, Presbyteries, Synods, and the General Assembly. Officers for each of these courts are a Moderator and a Clerk or Clerks as may be determined by the court.

§ 13-2. The Pastor is Moderator of the Church Session. The Moderator of the Presbytery shall ordinarily be elected at each stated meeting. A Presbytery may decide to elect its Moderator for one year, but he must be a member of the court to serve. The Moderators of the Synod and General Assembly shall be elected at each stated meeting and must be members of the respective court. In these higher courts the Moderator shall serve until his successor is elected. In the case of death or inability of the Moderator to serve, the immediate past Moderator shall serve as Moderator until a Moderator shall be elected at the next stated meeting of the court; or, in the case of his inability to serve, the next previous Moderator shall assume the duties of the office; and this procedure shall be followed until a Moderator has been obtained to complete the term.

§ 13-3. In case of the absence of a Moderator of Presbytery who has been elected for a year, the last Moderator present, or in case of the absence of any former Moderator, the Minister in attendance of longest service in the Presbytery, shall preside.

§ 13-4. The Moderator has all authority necessary for the preservation of order and for the proper and expeditious conduct of all business before the court, and for convening and adjourning

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the court according to its own ruling. In any emergency he may, by circular letter, change the time or place, or both, of meetings to which the court stands adjourned, giving reasonable notice thereof.

§ 13-5. A Clerk, or Clerks, shall be elected by the Session, the Presbytery, the Synod, and the General Assembly to serve for a definite period, as determined by the court. The Clerk shall be a member of the Session. In the higher courts the Clerk must be eligible for membership in the court. It is the duty of the Clerk to record the transactions, to preserve the records carefully and to furnish extracts from them when required by his own or a higher court. Such extracts, certified by the Clerk, shall be evidence to any ecclesiastical court and to every part of the Church.

§ 13-6. Meetings of Church courts should be opened and closed with prayer.

§ 13-7. The expenses of a Minister or a Ruling Elder in attendance on a higher court shall be defrayed by the particular church or churches or agency of the Church which he serves, unless the higher court, to which he is accredited, pays these expenses out of its own treasury. The expenses of Commissioners to the General Assembly shall be paid out of the treasury of the General Assembly.

## CHAPTER 14

*Jurisdiction of Church Courts*

§ 14-1. Church courts are altogether distinct from the government of the state and possess no civil jurisdiction or power to inflict civil penalties.

§ 14-2. Church courts have jurisdiction only for the purpose of serving Christ and declaring his will as it is related to his doctrine and law, to the good order of the Church and to the exercise of discipline.

§ 14-3. In the exercise of this jurisdiction:

- (1) A Church court can make no laws to bind the conscience, since Christ is the only Lord of conscience and the Scriptures are the only rule of faith and morals.

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(2) Church courts may frame symbols of faith, bear testimony against error in doctrine and immorality in practice within or without the Church, give counsel in matters of conscience, and decide issues properly brought before the court.

(3) Church courts have power to establish rules for the government, discipline, worship, and extension of the Church. These rules must be agreeable to the doctrines relating thereto in the Scriptures, since only the circumstantial details of these matters are left to the Christian prudence and wisdom of Church officers and courts.

(4) Church courts possess the right of requiring obedience to the laws of Christ. Hence, they admit those qualified to sealing ordinances and to their respective offices and they exclude the disobedient from their offices or from sacramental privileges; but the highest censure to which their authority extends is to cut off the contumacious and impenitent from the congregation of believers.

(5) Church courts possess whatever administrative authority is necessary to give effect to these powers.

§ 14-4. All Church courts possess the same kinds of rights and powers, and differ only as the Constitution may provide.

§ 14-5. For the orderly and efficient dispatch of the Church's business it is necessary that the sphere of action of each court should be distinctly defined. The Church Session exercises jurisdiction over a single church; the Presbytery over what is common to the Ministers, Sessions, and churches within a prescribed district; the Synod over what belongs in common to three or more Presbyteries, and their Ministers, Sessions and churches; and the General Assembly over such matters as concern the whole Church. The jurisdiction of these courts is limited by the express provisions of the Constitution. Every court has the right to resolve questions of doctrine and discipline seriously and reasonably proposed, and in general to maintain truth and righteousness, condemning erroneous opinions and practices which tend to the injury of the peace, purity, or progress of the Church. Although each court exercises exclusive original jurisdiction over all matters specially belonging to it, the lower courts are subject to the review and control of the higher courts, in regular gradation. Dis-

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puted matters of doctrine and order, arising in lower courts, may be brought to higher courts for decision.

These courts are not separate and independent tribunals. They have a mutual relation, and every act of jurisdiction is the act of the whole Church performed by it through the appropriate Church court.

§ 14-6. The acts and decisions of a lower court are brought under the supervision of a higher court in one or another of the following modes: (1) Review and Control; (2) Reference; (3) Appeal; (4) Complaint.

## CHAPTER 15

*The Church Session*

§ 15-1. The Church Session consists of the Pastor (and Associate Pastor) and the duly elected and installed Ruling Elders currently on active service in that congregation. The Pastor is the Moderator of the Session. An Associate Pastor is also a member of the Session and may substitute for the Pastor as Moderator of the Session at the discretion of the Pastor and Session. All members of the Session, including the Pastor and Associate Pastor, are entitled to vote.

§ 15-2. If there are three or more Ruling Elders, the Pastor and two Ruling Elders shall constitute a quorum. If there are less than three Ruling Elders, the Pastor and one Ruling Elder shall constitute a quorum.

When a church has no Pastor, or in cases of emergency requiring immediate action when the Pastor is necessarily absent, and there are five or more Ruling Elders, three shall constitute a quorum; if there are less than five Ruling Elders, two shall constitute a quorum.

If there is only one Ruling Elder, he does not constitute a Session, but he should take spiritual oversight of the church, should represent it at Presbytery and Synod, should grant certificates of dismission, should call meetings of the congregation, if needed, and should report to the Presbytery any matter needing the action of a Church court.

Any Session, by a majority of its members, may fix its own

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quorum, provided that it is not smaller than the quorum stated in this section.

§ 15-3. In the absence of the Pastor, if an emergency requiring immediate action should arise, the Session may elect one of its members to preside. Should prudential reasons at any time make it advisable for a Minister other than the Pastor to preside, the Pastor may, with the concurrence of the Session, invite a Minister of the same Presbytery to perform this service.

§ 15-4. When a church is without a Pastor, the Moderator of the Session shall be a Minister of the Presbyterian Church in the United States appointed for that purpose by the Presbytery, or one invited by the Session to preside on a particular occasion. When it is not feasible to procure such a Moderator, the Session may elect one of its own members to preside. In judicial cases, the Moderator shall be a Minister of the Presbytery to which the church belongs. [See § 25-6.]

§ 15-5. The Church Session shall hold stated meetings at least quarterly. The Pastor has the power to call a meeting of the Session when he may judge it necessary. He shall always convene it when requested to do so by any two of the Ruling Elders. The Session shall also convene when directed to do so by the Presbytery. When there is no Pastor or when emergencies arise requiring immediate action while the Pastor is necessarily absent, the Session may be convened by two Ruling Elders. Except for these cases, the Session may not be convened by Ruling Elders. Reasonable notice of all called meetings is required when other than routine business is to be transacted. [See § 13-6.]

§ 15-6. The Church Session is charged with maintaining the spiritual government of the church. For this purpose it has power:

- (1) To inquire into the knowledge and Christian conduct of the church members under its care.
- (2) To admonish, to rebuke, to suspend or exclude from the Lord's Supper those found delinquent, according to the Rules of Discipline.
- (3) To instruct parents who are communicants to present their children for Baptism.
- (4) To receive members into the communion of the church



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upon profession of faith in Jesus Christ, upon presentation of satisfactory certificate of dismission, or, in the absence of such certificate, upon reaffirmation of faith in Jesus Christ.

(5) To grant certificates of dismission to other churches, which, when given to parents shall always include the names of their children, specifying whether they have been baptized. [See § 8-3, 4, 6.]

(6) To instruct, examine, ordain, and install Ruling Elders and Deacons on their election by the church.

(7) To require these officers to devote themselves to their responsibility.

(8) To supervise the work of the Board of Deacons and examine the records of their proceedings. [See § 12-3, 5.]

(9) To develop and supervise the church school and the educational program of the church.

(10) To exercise, in accordance with the Directory for Worship, authority over the time and place of the preaching of the Word and of the administration of the Lord's Supper, over all other religious services, over the music in the services, and over the uses to which the church building and associated properties may be put.

(11) To assemble the people for worship when there is no Minister.

(12) To order collections for Christian purposes.

(13) To devise suitable measures for advancing the spiritual interests of the Church and of the congregation.

(14) To observe and carry out the lawful injunctions of the higher courts.

(15) To select from among the Ruling Elders representatives to the Presbytery and the Synod, who shall, on their return, make report of their participation.

(16) To propose to the Presbytery such measures as may be of common advantage to the whole Church.

All organizations within the particular church shall be subject to the review and control of the Session. Each organization shall, if requested, render stated reports to the Session.

§ 15-7. Every Session shall keep an accurate record of its proceedings which shall be submitted at least once every year to Presbytery for its review and control.

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§ 15-8. Every Session shall also keep an accurate record of baptisms, of non-communing members, of those admitted to the Lord's Table, of those received from other churches, of those dismissed to other churches, of those placed upon the inactive roll, and of the deaths and marriages of church members.

## CHAPTER 16

*The Presbytery*

§ 16-1. The Presbytery consists of its member Ministers and all the churches within a certain district. When a Presbytery meets each church shall be represented by a Ruling Elder commissioned by the Church Session. A church whose communicants exceed 750 shall be represented by two Ruling Elders and shall be entitled to one more Ruling Elder for each additional 750 communicants.

§ 16-2. A Minister shall hold his membership in the Presbytery where his work is located, unless there are reasons satisfactory to his Presbytery why he should not do so. The Presbytery may give a Minister permission to labor outside its geographical bounds and in work not under its jurisdiction; but no Minister shall engage in work which is within the bounds and which falls properly under the jurisdiction of another Presbytery without its consent. When a Minister, by reason of age or infirmity, is no longer able to serve the Church in the active ministry of the Gospel, the Presbytery may designate him as Honorably Retired. Ministers honorably retired shall ordinarily continue to hold membership in the Presbytery by which they were retired. A Minister who is serving abroad as a missionary under the Board of World Missions may become a member of a Presbytery of the church to which he is related in missionary service. His Presbytery, in such case, shall retain his name on its roll, and he shall continue to be a full and responsible member of it, subject to its jurisdiction, in every respect.

§ 16-3. Each Ruling Elder before being enrolled as a member of Presbytery shall present a certificate of commission from the Session of the church which he represents, similar to that required by the General Assembly. Presbytery may waive this requirement at its discretion.

§ 16-4. Three Ministers belonging to the Presbytery, together



with one Ruling Elder, being met at the time and place appointed, shall be a quorum competent to proceed to business. However, any Presbytery, by a majority vote of those present at a stated meeting, may fix its own quorum, provided it is not smaller than the quorum stated in this section.

**§ 16-5.** Every Minister seeking admission to a Presbytery shall be examined on his Christian experience and on his views in Theology, the Sacraments, and the Government of the Presbyterian Church.

Should the Presbytery fail to sustain the examination of a Minister seeking admission from another Presbytery, the Presbytery to which he seeks admission shall, before adjournment of that meeting, enter a statement in its minutes of the reasons for such refusal and give the Minister under examination the opportunity to enter an answer to such statement in the same minutes. If, at that meeting of Presbytery, as many as two members of that meeting of Presbytery request the Presbytery to do so, the Presbytery shall within ten days meet and reexamine such Minister and cause a verbatim transcript of the examination to be made.

In addition a Minister who comes from another denomination shall first be required to present evidence of having obtained a baccalaureate degree or its equivalent from a standard four-year college or university, together with a theological degree, based on not less than three years' residence, or its equivalent, from a theological seminary under the control of our Church or another theological seminary which the Presbytery must approve in his particular case. He shall also answer in the affirmative before the Presbytery the questions put to candidates at their ordination and shall have been regularly called to a pastorate or to other labor in this denomination. He shall also give satisfactory evidence of his knowledge of the organizational structure and program of the Presbyterian Church in the United States.

The Presbytery shall not waive any of the foregoing educational requirements for applicants coming from other denominations except in extraordinary cases which shall require consent of three-fourths of members of Presbytery present, and shall be voted on only in a meeting of Presbytery subsequent to one in which motion is made, and shall have full record of such action and the reason therefor recorded in the minutes of Presbytery.

**§ 16-6.** The Presbytery shall cause to be transcribed, in some

convenient part of the book of records, the obligations required of Ministers at their ordination, which shall be subscribed by all before being admitted to membership, in the following form, namely: "I, . . . . ., do sincerely receive and subscribe to the above obligation as a just and true exhibition of my faith and principles, and do resolve and promise to exercise my ministry in conformity thereunto."

**§ 16-7.** The Presbytery has power:

- (1) To receive and decide references, appeals and complaints brought before it according to constitutional procedures.
- (2) To assume original jurisdiction in cases in which a Church Session cannot exercise its authority.
- (3) To review the records of Sessions, redress whatever they may have done contrary to order, and take effectual care that they observe the Constitution of the Church.
- (4) To see that the lawful injunctions of the higher courts are obeyed.
- (5) To visit churches for the purpose of inquiring into and redressing the evils that may have arisen in them. When necessary for the welfare of the Church the Presbytery may dissolve the active relationship between an Elder or Deacon and the church, provided there has been a hearing which affords procedural safeguards as in cases of process.
- (6) To unite or divide churches, at the request of the members thereof.
- (7) To organize new churches.
- (8) To receive and dismiss churches.
- (9) To dissolve churches.
- (10) To control the location of new churches and of churches desiring to move to new locations.
- (11) To take special oversight of churches without Pastors.
- (12) To receive under its care Candidates for the Ministry.
- (13) To ordain, receive, dismiss, install, remove, and judge Ministers.
- (14) To establish the pastoral relationship; and to dissolve it at the request of one or both of the parties, or, when it finds that the interests of religion imperatively demand it, following a hearing which provides procedural safeguards as in cases of process.
- (15) To set apart Ministers to labor as Teachers, Evangelists, and in other works proper to the Ministry of the Gospel.

- (16) To require Ministers to devote themselves diligently to their sacred calling and to censure the delinquent.
- (17) To devise measures for the enlargement of the Church within its bounds.
- (18) To condemn erroneous opinions which injure the purity or peace of the Church.
- (19) To order whatever pertains to the spiritual welfare of the churches under its care.
- (20) To institute and superintend the agencies necessary for its work.
- (21) To select commissioners to the General Assembly.
- (22) To propose to the Synod or to the Assembly such measures as may be of common advantage to the whole Church.

§ 16-8. The Presbytery shall keep a full and accurate record of its proceedings, and shall send it up to the Synod annually for review. It shall report to the Synod and the General Assembly every year the condition and progress of religion within its bounds during the year; and all the important changes which may have taken place, such as the ordinations, the receiving or dismissing of members, the removal of members by death, the union and the division of churches, and the formation of new ones.

§ 16-9. The Presbytery shall hold stated meetings at least twice a year. When any emergency shall require a meeting earlier than the time to which the Presbytery stands adjourned, the Moderator shall, at the request, or with the concurrence, of two Ministers and of two Ruling Elders representing at least two churches, call a special meeting. Should the Moderator be for any reason unable to act, the Stated Clerk shall, under the same requirements, issue the call. If both Moderator and Stated Clerk are unable to act, any three Ministers and two Ruling Elders representing at least two churches shall have power to call a meeting. Notice of the special meeting shall be sent not less than ten days in advance to each Minister and to the Session of every church without a Pastor. In the notice the purpose of the meeting shall be stated, and no business other than that named on the notice is to be transacted. The Presbytery shall also convene when directed so to do by the Synod, for the transaction of designated business only. [See § 13-6.]

§ 16-10. Ministers in good standing in other Presbyteries, or in any other Christian Church, being present at any meeting of

Presbytery, may be invited to sit as visiting Ministers. It is proper for the Moderator to introduce these Ministers to the Presbytery. This provision shall also apply to the Synod and General Assembly. [See § 2-2.]

§ 16-11. When a Presbytery dismisses a Minister or Candidate, the certificate sent to the other Presbytery shall bear its name and shall be valid testimony of good standing for no more than one year. The Minister or Candidate remains under the jurisdiction of the Presbytery dismissing him until received by the other.

## CHAPTER 17

### *The Synod*

§ 17-1. The Synod consists of all the churches in a district comprising at least two Presbyteries and the Ministers who are members of the included Presbyteries.

The Synod may choose to organize itself in one of the following ways:

- (1) When a Synod meets, each church shall be represented by a Ruling Elder commissioned by the church Session. A church whose communicants exceed 1,500 shall be represented by two Ruling Elders and shall be entitled to one more Ruling Elder for each additional 1,000 communicants. All Ministers of the Presbyteries of the Synod shall be members of Synod.
- (2) When a Synod meets each Presbytery shall be represented by commissioners chosen by the Presbytery. Their numbers shall be in fixed ratio to the number of commissioners each Presbytery is entitled to send to the General Assembly and in no case shall the ratio be less than a multiple of three. The Synod shall set the ratio figure. There shall be an equal number of Ministers and Ruling Elders.

§ 17-2. Each Ruling Elder before being enrolled as a member of Synod shall present a certificate of commission from the Session of the church which he represents, similar to that required by the General Assembly. Synod may waive this requirement at its discretion.

§ 17-3. The Synod shall meet at least once each year. Seven Ministers belonging to it, who shall convene at the time and place of meeting, with at least three Ruling Elders, shall be a quorum.

provided not more than three of the said Ministers belong to one Presbytery. In the case of a Synod composed of only three Presbyteries, any seven Ministers representing any two Presbyteries, together with three Ruling Elders, shall be a quorum. When a Synod is composed of only two Presbyteries, three Ministers from each of the two Presbyteries and one Ruling Elder from each of the two Presbyteries shall constitute a quorum. [See § 13-6; 16-10.]

**§ 17-4.** When any emergency shall require a meeting of the Synod earlier than the time to which it stands adjourned, the Moderator shall, at the request or with the concurrence of ten Ministers and ten Ruling Elders, representing at least three Presbyteries, call a special meeting. When a Synod is composed of only two Presbyteries the Moderator shall, at the request or with the concurrence of four Ministers and four Ruling Elders from each of the two Presbyteries, call a special meeting. Should the Moderator be for any reason unable to act, the Stated Clerk shall, under the same requirements, issue the call. If both the Moderator and the Stated Clerk are unable to act, the most recent Moderator shall, under the same requirements, issue the call. Notice of this special meeting shall be sent not less than fifteen days in advance to each Minister and to the Session of every church without a Pastor. In the notice the purpose of the meeting is to be stated and no other business than that named in the notice is to be transacted. The Synod shall also convene when directed to do so by the General Assembly, for the transaction of designated business only.

**§ 17-5.** The Synod has power:

- (1) To receive and decide all references, appeals and complaints regularly brought up from the Presbyteries.
- (2) To review the records of the Presbyteries and redress whatever they may have done contrary to order.
- (3) To take effectual care that they observe the Constitution of the Church and that they obey the lawful injunctions of the higher courts.
- (4) To establish new Presbyteries and unite or divide those which were before established.
- (5) To appoint Ministers to such work proper to their office as may fall under its own particular jurisdiction.
- (6) To take such order with respect to the Presbyteries, Sessions and churches under its care as may be in conformity with the Word of God and the Constitution, and may tend to promote the edification of the Church.

- (7) To organize measures for advancing the prosperity and enlargement of the Church within its bounds.
- (8) To institute and superintend the agencies necessary for its work.
- (9) To propose to the General Assembly such measures as may be of common advantage to the whole Church.

**§ 17-6.** It shall be the duty of the Synod to keep full and accurate records of its proceedings, to submit them annually to the inspection of the General Assembly, and to report to it the number of its Presbyteries, the number of communing members therein, and all important changes which may have occurred within its bounds during the year.

## CHAPTER 18

### *The General Assembly*

**§ 18-1.** The General Assembly is the highest court of this Church and represents in one body all the churches thereof. It bears the title of **THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES**, and constitutes the bond of union, peace and correspondence among all its congregations and courts.

**§ 18-2.** The General Assembly, which is a permanent court, shall meet at least annually, and shall consist of Commissioners from the Presbyteries in the following proportion, namely: Every Presbytery shall be entitled to send one Minister and one Ruling Elder; but if the number of communicants in its churches and Ministers on its roll together be over 5000, it shall be entitled to send an additional Minister and Ruling Elder; and in like proportion for every 5000 communicants and Ministers. [See § 16-10.]

**§ 18-3.** When any emergency shall require a meeting of the General Assembly earlier than the time to which it stands adjourned, the Moderator shall issue a call for a special meeting at the request, or with the concurrence, of twenty-seven Commissioners who had seats in the Assembly at its preceding meeting, of whom at least eighteen shall be Ministers and at least seven Ruling Elders, representing at least twelve Presbyteries under the jurisdiction of at least five Synods.

Should the Moderator be for any reason unable to act, the



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§ 18-6. The General Assembly shall have power:

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- (1) To decide all references, appeals and complaints regularly brought before it from the lower courts.
- (2) To bear testimony against error in doctrine and immorality in practice, injuriously affecting the Church.
- (3) To decide finally in all controversies brought before it respecting doctrine, order and discipline.
- (4) To give its advice and instruction, in conformity with the Constitution, in all cases submitted to it.
- (5) To review the records of the Synods.
- (6) To take care that the lower courts observe the Constitution.
- (7) To redress whatever the lower courts may have done contrary to order.
- (8) To organize measures for advancing the prosperity and enlargement of the Church.
- (9) To establish new Synods and to unite or divide those which were before established.
- (10) To institute and superintend the agencies necessary in the general work of the Church.
- (11) To appoint Ministers to such labors as fall under its jurisdiction.
- (12) To suppress schismatical contentions and disputations, according to the rules provided therefor.
- (13) To receive under its jurisdiction, with the consent of three-fourths of the Presbyteries, other ecclesiastical bodies whose organization is conformed to the doctrine and order of this Church. [See § 30-3.]
- (14) To authorize Synods to exercise similar power in receiving bodies suited to become constituents of those courts, and lying within their geographical bounds respectively.
- (15) To superintend the affairs of the whole Church.
- (16) To correspond with other Churches.
- (17) To unite with other ecclesiastical bodies whose organization is conformed to the doctrines and order of this Church, such union to be effected by a mode of procedure defined elsewhere in the Form of Government. [See § 30-3.]
- (18) To recommend measures for the promotion of charity, truth, and holiness through all the churches under its care.

§ 18-7. The whole business of the Assembly being finished, and the vote taken for final adjournment, the Moderator shall say



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from the chair: "By virtue of the authority delegated to me by the Church, I do now declare that the General Assembly of the Presbyterian Church in the United States is now adjourned, to convene at ..... on the ..... day of ....., A.D. ....," after which he shall pray and return thanks, and pronounce, or cause to be pronounced, on those present, the apostolic benediction.

## CHAPTER 19

*Committees and Commissions of Church Courts*

§ 19-1. A Committee of a Church court is appointed either to study and recommend, or to carry into effect specific directions or decisions already made by the court. Its recommendations require action by the court; but its report of performing actions assigned by the court and of executing the court's decisions needs to receive no further action by the court.

§ 19-2. A Commission is given responsibility to make decisions for the court in circumstances where it is impractical or inexpedient for the entire court to act. The appointing court shall state specifically the scope of the power given to a Commission.

A Commission may be erected to perform either administrative or judicial functions. The administrative functions ordinarily entrusted to a Commission are: (1) to visit portions of the Church affected with disorder to inquire into and settle the difficulties therein; (2) to organize new churches; (3) to ordain Ministers and to install them in permanent pastoral relations. The judicial functions entrusted to a Commission are to handle and decide a case of process for the court according to the Rules of Discipline.

A Commission may be assigned additional duties as a Committee, the reporting of which shall be handled as is a Committee's report.

§ 19-3. A Commission which has been appointed to perform the administrative function of visiting a portion of the Church affected with disorder to inquire into and settle the difficulties therein shall always hold hearings which provide procedural safeguards as in cases of process, following in its procedure the re-

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quirements of the Rules of Discipline as far as these are applicable, and shall provide the court with a proper Record of the matter. [See R.D. § 104-2, 8, 9; § 105-1, 3 through 6, 8, 9, 11 through 20; § 106-1 through 14; § 118-1 through 5. Also § 16-7(5); 21-4.]

§ 19-4. A Judicial Commission may be appointed by the Presbytery or the Synod to handle and decide any case of process coming before the court. When the Presbytery or Synod is the court of original jurisdiction, any member of the court may be appointed to the Commission except those immediately involved in the case. When the case has arisen in a lower court and comes before the higher court by one of the constitutional methods, the Commission shall be appointed from among those not members of that court from which the case has come.

The Commission shall try the case in the manner prescribed by the Rules of Discipline. It shall submit to the court a full Record of the case and the judgment rendered. Its minutes shall be entered on the minutes of the court as the action and judgment of the court itself. [See R.D. § 105-19 and 118-2.]

§ 19-5. A Commission of Presbytery shall consist of at least three Ministers and three Ruling Elders. A Commission of Synod or of the General Assembly shall consist of at least six Ministers and six Ruling Elders. The quorum of a Commission shall be at least two-thirds of its membership.

## CHAPTER 20

*The Permanent Judicial Commission of the General Assembly*

§ 20-1. The General Assembly shall elect a Permanent Judicial Commission composed of six ministers and six ruling elders. To the extent permitted by the number of Synods, from time to time established by the General Assembly, at least one member shall reside in each Synod, and membership shall be equitably apportioned among the Synods. Four members shall be elected each year to serve a term of three years. No person who has served two terms, or portions thereof, shall be eligible for re-election. No member of any other commission, permanent committee, or agency of the General Assembly, and no person holding an official or employed relationship to the General Assembly or any of its agencies shall be eligible for

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membership on the Permanent Judicial Commission until he shall have resigned such other relationship.

§ 20-2. The Stated Clerk of the General Assembly shall refer to the Permanent Judicial Commission all questions rising from courts of the Church or from individuals requiring an interpretation of The Book of Church Order by the General Assembly, all overtures requesting amendment of The Book of Church Order and all cases of process coming before the General Assembly.

§ 20-3. The quorum of the Permanent Judicial Commission shall be eight members. A member of the Commission who is a member of a court from which a case of process has come before the General Assembly has the privilege of the floor when the case is heard by the Commission, but shall not have a vote in the determination of the case. A member of the Commission who has not been present throughout the hearing shall not have a vote in the decision.

§ 20-4. The necessary expenses of this Commission shall be provided for by the General Assembly. It shall elect annually from its members a chairman and a secretary.

§ 20-5. The Permanent Judicial Commission shall meet as directed by the General Assembly, provided that, if business has arisen which it must transact for the Assembly, the Commission shall meet in ample time to make its report. The Commission shall begin to report its recommendations and preliminary judgments on the second day of the General Assembly's session. [See R.D. § 116-9.]

§ 20-6. On questions of interpretation of The Book of Church Order sought from the General Assembly, the Commission shall act as a Committee. It shall report to the General Assembly recommending the interpretation it thinks correct and giving the reasons for its opinion.

§ 20-7. On questions of amending the Constitution the Commission shall act as a Committee. It shall report to the General Assembly all pertinent facts, particularly those concerning the relation of the proposed amendment to the Constitution as a whole, and shall recommend to the General Assembly concerning

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the proposed amendment. The Assembly cannot consider an amendment until there has been opportunity for a report from the Commission.

§ 20-8. In cases of process referred to it, the Permanent Judicial Commission shall have the powers prescribed by, and shall conduct its proceedings according to, the Constitution and the rules governing the trial of such cases before the General Assembly. The decision of the Permanent Judicial Commission in any case referred to it shall be merely the preliminary judgment in that case. This decision shall be binding on each party therein until the General Assembly shall hear, and either confirm or reject the preliminary judgment. The preliminary judgment shall be presented to the General Assembly in the form of an opinion setting forth the findings of fact and the conclusions derived therefrom.

§ 20-9. The secretary of the Permanent Judicial Commission shall keep a full and correct record of the proceedings and the preliminary judgment of the Commission in each case of process referred to it; shall with the chairman certify in writing such record and judgment to be correct; and shall file such record and judgment with the Stated Clerk of the General Assembly. The Stated Clerk of the General Assembly shall transmit to each party in the case a certified copy of the judgment if confirmed by the General Assembly, and shall preserve it as a part of the records of the court.

§ 20-10. The General Assembly shall hear the preliminary judgment and any written dissenting opinion from a member of the Permanent Judicial Commission. Opportunity shall be given for questions and any necessary clarifications. The General Assembly shall then, without debate upon the merits of the case, vote upon the question: "Shall the preliminary judgment of the Permanent Judicial Commission be made the final judgment of the General Assembly?" This question shall not be subject to amendment.

§ 20-11. If a majority of the General Assembly vote to confirm, the Moderator shall declare that the preliminary judgment of the Permanent Judicial Commission is now the final judgment of the General Assembly, and the case is therewith closed.

§ 20-12. If the General Assembly fails to confirm by a majority

vote the preliminary judgment of the Permanent Judicial Commission on a judicial case, it shall then determine whether to commit the case to a special judicial commission or to try the case itself.

## CHAPTER 21

### *The Presbytery's Commission on the Minister and his Work*

§ 21-1. A commission shall be appointed by each Presbytery, to be known as the Presbytery's Commission on the Minister and His Work. This Commission shall consist of at least three Ministers and three Ruling Elders. The quorum of the Commission shall be two-thirds of the members.

Membership on this Commission shall be for a term of three years. Replacement of a member whose term has not expired shall be for the remainder of that term. Members shall be ineligible to serve more than two consecutive terms or portions of terms.

The necessary expense of this Commission shall be provided for by the Presbytery.

§ 21-2. This Commission shall function for the Presbytery as a Committee in the following ways:

(1) It shall be responsible for reporting to the Presbytery annually the type of work in which each Minister of the Presbytery is engaged, to the end that the Presbytery itself may more effectively require its Ministers to devote themselves diligently to their sacred calling, as provided in the Rules of Discipline. From every Minister who is performing work which is not under the jurisdiction of the Presbytery or a higher court it shall require an annual report stating the frequency and manner of his performing the duties of a Minister as described in Chapter 10-1. [See § 16-7(16), 107-8.]

(2) It shall be responsible for making recommendation to Presbytery regarding calls for the services of its Ministers. Every call for the services of a Minister or Candidate in a pastoral relation shall be placed in the hands of the Commission and presented by it to the Presbytery, with a report as to the call's being in order and a recommendation as to whether the call should be placed in the hands of the Minister or Candidate.

Every request of a Minister or Candidate for the Presbytery's approval of his accepting a task proper to the Ministry of the Word, though not in a pastoral relationship to a particular church, shall be made by the Minister or Candidate through the Commission, and shall by the Commission be reported to the Presbytery with recommendation for final action.

(3) It shall be responsible for counseling with Sessions regarding Stated Supplies, Interim Supplies and Occasional Supplies when a church is without a Pastor. A current list shall be kept of available Ministers honorably retired from active service and others not regularly serving in a pastoral relation. A list shall be kept of available Candidates under care of the Presbytery and other Candidates enrolled in theological seminaries under the control of that Synod of which the Presbytery is a part, and a list of Ruling Elders and other men qualified to supply pulpits.

The Session (or its representative) shall seek the counsel of the Commission before making arrangements for the supply of the church's pulpit during a period of vacancy.

The Presbytery shall not approve a Minister's being called to a permanent pastoral relationship by a church which he has served as Stated or Interim Supply, unless a period of six months has elapsed between the ending of such Supply relationship and the church's issuing a call to a permanent pastoral relationship.

The lists of Candidates, Ruling Elders and others shall be available for the use of churches which cannot secure a Minister as Stated or Occasional Supply.

(4) It shall be responsible for counseling with churches regarding pastoral calls.

To carry out this function the Commission shall consult with every Nominating Committee appointed by a church to recommend the calling of a Pastor or an Associate Pastor. It shall advise the church's committee regarding the merits, availability, and suitability of any man whose name is contemplated for nomination to the congregation, and shall have the privilege of suggesting names to the church's committee.

When a Session desires to call a Minister to serve in any of the functions properly performed by an Assistant Pastor, the Session (or its representative) shall seek the counsel of the Presbytery's Commission.



No call to a permanent pastoral relationship shall be in order for consideration by the Presbytery unless the church has received and considered the counsel of the Presbytery through its Commission before action is taken to issue a call.

In the case of a church receiving aid in supporting a Pastor, the Presbytery's Commission shall confer with both the church and that committee of the Presbytery charged with arranging such aid, before it shall recommend to the Presbytery that a call to such church or group of churches be placed in the hands of a Minister. The proper committee of the Presbytery shall present to the Commission on the Minister and His Work a statement of the Presbytery's expected support for a Pastor, which shall be attached to the call of the church.

§ 21-3. This Commission shall function for the Presbytery as an Administrative Commission to visit churches to inquire into and settle difficulties that have arisen therein. [See § 19-3.]

It shall serve as an instrument of Presbytery in promoting the peace and harmony of the churches, especially in regard to matters arising out of the relations between Ministers and churches. The Commission's purpose shall be to mediate differences and reconcile brethren, to the end that the difficulties may be corrected by the Session of the Church if possible, that the welfare of the particular church may be promoted, that the unity of the Church in Christ her Head may be made manifest.

The Commission shall exercise a wise discretion in determining when to take cognizance of information concerning difficulties within a church.

§ 21-4. The Commission shall proceed by the following steps:

*First*, the Commission, on its own initiative, shall bring its information to the attention of the Session of the church involved. It shall counsel with the Session as to the proper actions to be taken in correcting the reported difficulties.

*Second*, the Commission may offer its help as a mediator in case the Session either finds itself unable to settle the problems peaceably, or takes no steps toward settlement.

*Third*, the Commission may act to correct the difficulties if requested to do so by the parties concerned, or if this authority is granted by the Presbytery for the specific case. When so acting, the Commission on the Minister and His Work shall always hold

hearings which afford procedural safeguards as in cases of process, following in their procedure the requirements of the Rules of Discipline as far as these are applicable. [See R.D. § 104-2, 8, 9; § 105-1, 3 through 6, 8, 9, 11 through 20; § 106-1 through 14; § 118-1 through 5. Also § 16-7(5) and 19-3.]

## CHAPTER 22

### *Synod and General Assembly Committees on the Minister and His Work*

§ 22-1. To facilitate the work of the Commissions in the Presbyteries, a Synod may establish a Committee on the Minister and His Work.

§ 22-2. To assist the Commissions in the Presbyteries, their churches and Ministers, in the entire area of ministerial relationships, the General Assembly shall have a permanent Committee to be known as the Assembly's Committee on the Minister and His Work.



## Doctrine of Church Orders

### CHAPTER 23

#### *The Doctrine of Calling to Office in the Church*

§ 23-1. Calling to office in the Church is the act of God by his Holy Spirit. This calling is ordinarily made manifest through the inward testimony of a good conscience on the part of the person, the approbation of God's people on the part of the Church, and the concurring judgment of a lawful court of the Church.

§ 23-2. The government of God's people in the Church is representative. The right of God's people to elect their officers is inalienable. Therefore, no person can be placed over a church as Pastor, Associate Pastor, Ruling Elder or Deacon without the election of that church.

§ 23-3. Upon those whom God calls to bear office in his Church, he bestows gifts suitable to the discharge of their various duties. It is indispensable that, besides possessing the necessary gifts and the useful abilities both natural and acquired, everyone admitted to an office should be sound in the faith, and his life be according to godliness. Therefore, every candidate for office in the Church should be carefully examined and approved by the Church court by which he is to be ordained.

§ 23-4. Ordination is the authoritative admission of one duly called to an office in the Church of God, accompanied with prayer and the laying on of hands, to which it is proper to add the giving of the right hand of Christian fellowship.

Ordination to the office of Minister of the Word is an act of the Presbytery, performed by it either directly or through its proper agent.

Ordination to the office of Ruling Elder or of Deacon is an act of the Church Session. In the organization of a new church the Presbytery has power to ordain Ruling Elders and Deacons, either

### § 23-5

directly or through its proper agent, until that church possesses a Session competent to act. [See § 10-6.]

§ 23-5. No man shall be ordained to any office in the Church except to labor in some specific task.

Before a Candidate can be ordained to the Ministry of the Word he must have either received an orderly call from a particular church to labor in a pastoral relation, or have received a call to a specific work, approved by the Presbytery, in some other service proper to the Minister of the Word. [See § 10-3 ff.; 27-2.]

Before any one can be ordained to the Ruling Eldership or to the Diaconate he must have been regularly elected by the particular church in which he is member to serve that church in the functions of his office.

### CHAPTER 24

#### *Candidates for the Ministry of the Word*

§ 24-1. The welfare of the Church requires that some trial be previously made of persons who are to be ordained to the Ministry of the Word, in order that this sacred office may not be degraded by being committed to weak or unworthy persons, and that the Church may have an opportunity to form a better judgment respecting the gifts and abilities of those by whom they are to be instructed and governed.

For this purpose Presbyteries shall take under their care Candidates for the Ministry of the Word, and may permit them to preach the Gospel under supervision. After a competent trial of their gifts, and receiving from the churches a good report, the Presbytery may ordain them to the sacred office. No person shall be ordained without having first been a Candidate.

§ 24-2. A Candidate for the Ministry is a member of the Church in full communion who, believing himself to be called of God to preach the Gospel, submits himself to the care and guidance of the Presbytery in his course of study and of practical training to prepare himself for the office of Minister of the Word.

§ 24-3. Every person seeking the Ministry of the Word shall apply to the Presbytery which has jurisdiction of the church in which

he is a member, to be received under the care of that Presbytery. He shall first state his purpose to his Church Session. The Session shall advise with him and shall, at his request, furnish the Presbytery with a certificate of his membership and with testimonials of its judgment regarding his Christian character and promise of usefulness in the Ministry. He shall have been a member of that congregation for the six months preceding the filing of his application to the Presbytery.

Every applicant shall make his application to the Chairman of the Presbytery Committee charged with the care of Candidates at least two months before the meeting of the Presbytery which shall hear his request.

Upon receipt of the application the Committee shall inquire diligently into the Christian character and the physical, mental and spiritual qualifications of the applicant, and shall make a careful report to the Presbytery upon all points which would have bearing upon his promise of usefulness in the Ministry. The Committee shall recommend to the Presbytery whether or not the applicant should be received under its care.

§ 24-4. After the Presbytery has heard the report and recommendation of the Committee regarding an applicant, the Moderator shall examine him before the Presbytery as to his experience of Christian grace and his motives for seeking the Ministry of the Word.

When the Presbytery is satisfied as to the applicant's purpose and promise of usefulness in the Ministry, it shall proceed to receive him under its care after the following form:

The Moderator shall briefly state the approval given by the Church Session and the Presbytery to the applicant's desire to be received as a Candidate for the Ministry of the Word. He shall also state the necessity that this sacred office not be committed to unworthy persons, and the need for both the training and the trial of a Candidate's gifts before he may be ordained to the Ministry.

The applicant shall stand before the Moderator, who shall say: "The Presbytery of . . . . ., having approved your testimonials and sustained your examination, now requires you to make answer to the following questions:

"Do you, as far as you know your own heart, believe yourself to be called of God to the office of the Ministry of the Word?

"Do you promise, in reliance upon the grace of God, to maintain a Christian character and conduct, and to be diligent and faithful in making full preparation for this sacred Ministry?

"Do you promise to submit yourself to the proper supervision of the Presbytery in matters that concern your preparation for the Ministry?

"Do you desire now to be received by this Presbytery as a Candidate for the Ministry of the Word in the Presbyterian Church in the United States?"

The applicant, having answered these questions in the affirmative, shall then kneel, and prayer shall be had for the blessing of Almighty God upon him.

The Moderator, or someone appointed by him, shall give the Candidate a charge.

Then the applicant, together with the Presbytery, shall stand. The Moderator shall declare him acknowledged and received as a Candidate for the Ministry of the Word, and direct that his name be recorded on the Presbytery's Roll of Candidates for the Ministry.

The Moderator shall then extend to the Candidate the right hand of Christian fellowship, and the proceedings shall be closed with a benediction.

§ 24-5. A Candidate continues to be a private member of the church and subject to the government and discipline of the Church Session, but is under the oversight of the Presbytery in matters of his preparation for the Ministry.

The Presbytery shall show a constant and personal interest in him, and shall give him counsel and guidance in regard to his studies, his practical training, and the institutions of learning he should attend.

In no case may a Candidate omit from his course of study any of the subjects prescribed in the Form of Government as tests for ordination without obtaining the consent of the Presbytery. Where such consent is given the Presbytery shall record the fact and the reasons therefor. [See § 27-5.]

§ 24-6. For the development of his Christian character, for the service he can render, and for his more effective training, the Candidate, during his theological studies, should be authorized and encouraged by the Presbytery to conduct public worship, to ex-

pound the Scripture to the people, and to engage in other forms of Christian work. These forms of service should be rendered under the direction of the Presbytery, and also with the sanction and under the guidance of the Candidate's instructors during the time of his being under their instruction.

§ 24-7. A Candidate shall not undertake to serve a church which is without a Pastor unless he has the approval of the Presbytery having jurisdiction of the church.

§ 24-8. Every Candidate shall make a full report concerning his preparation for the Ministry annually, and at other times as the Presbytery shall require. The Presbytery shall secure from his instructors an annual report upon his Christian deportment, upon his diligence and progress in study, and upon his ability to serve the Church as demonstrated by success in the activities of his practical training.

§ 24-9. The Presbytery shall, upon the request of a Candidate who has transferred his membership to a church of another Presbytery, give him a certificate of dismissal to that Presbytery. The certificate of dismissal shall contain an extract of the record of his reception, and a commendation from the Presbytery, signed by the Clerk. A Candidate shall be allowed to withdraw from the care of the Presbytery upon his statement that he no longer feels called of God to the Ministry. The Presbytery may, for reasons which it deems sufficient, remove the name of a Candidate from its roll of Candidates. In such case it shall report its action and the reasons therefor to the Candidate, to the Session of his church, and to the institution of learning in which he is pursuing his studies.

§ 24-10. If the Presbytery judges that there are good and sufficient reasons why a person requesting to be received as a Candidate for the Ministry should not pursue the full course of academic and theological studies, the Presbytery may, by a vote of three-fourths of the members present, receive him under its care. In every such extraordinary case the Presbytery shall make a full record of its action and the reasons therefor. The Presbytery shall specify what study and practical training it judges necessary before it can examine him for ordination. It shall also specify the period it will

require the applicant to serve as a Candidate before it will proceed to examine him for ordination.

§ 24-11. In no case shall a Presbytery examine a person for ordination at the same meeting at which he applies to be received as a Candidate, unless he is being received by certificate from another Presbytery and has been called to work in the Presbytery.

§ 24-12. When a Candidate has been extended a call for his ministerial services within the bounds of another Presbytery, he may be dismissed to that Presbytery to be examined for ordination. When a Candidate who is under the care of some other Reformed body is issued a call by a congregation of the Presbyterian Church in the United States, he may be received as a Candidate by certificate.

§ 24-13. The Presbytery may grant to its Committee charged with the care of Candidates authority in a proper meeting of the Committee to approve dismissal of a Candidate to another Presbytery and to inform the Stated Clerk who may then dismiss the Candidate.

## CHAPTER 25

### *The Pastoral Relations of Ministers*

§ 25-1. The permanent pastoral relations which may exist between a Minister of the Word and a particular church are: Pastor, Associate Pastor, and Assistant Pastor.

The temporary pastoral relations which may exist between a Minister of the Word and a particular church are: Stated Supply, Interim Supply, and Occasional Supply.

§ 25-2. In each church there should be a Pastor who has the duty of offering the full ministry of the Word and Sacraments. With the Session he shall see that the order and discipline of the Church under Christ her Head are properly observed.

A Pastor shall be elected by a vote of the congregation, and the call extended shall follow the form outlined in the Form of Government. The terms of a call under which the relation of Pastor or Associate Pastor is established can be changed only by the congregation at a regularly constituted meeting and with the consent of the Presbytery and the Pastor or Associate Pastor.

The terms of a call under which the relation of Pastor or As-



sociate Pastor is established can be changed only with the consent of the Presbytery.

§ 25-3. A church may call other Ministers of the Word to labor with the Pastor in performing such pastoral duties as are needful for the edification of that church. These may be either Associate Pastors or Assistant Pastors.

(a) An Associate Pastor shall be elected by the vote of the congregation. The terms of the call shall follow the form outlined for the calling of a Pastor, and shall specify the particular functions which the Associate Pastor is to fulfill in the life of that church. This relation is established by installation, an act of Presbytery, and is dissolved only by the authority of Presbytery. Being elected by the congregation, an Associate Pastor is a member of the Session of that church.

The official relationship of an Associate Pastor to a church is not dependent upon that of the Pastor, but an Associate Pastor is not eligible to succeed the Pastor in a church which they serve together.

(b) An Assistant Pastor is called by the vote of the Church Session, but only after the Session has consulted the Presbytery through its Commission on the Minister and His Work. The terms of the call as extended by the Church Session shall follow the form outlined for the calling of a Pastor, and shall specify the particular functions which the Assistant Pastor is to fulfill in the life of that church. This relation, an agreement between the Church Session and the Assistant Pastor, is established by installation, an act of Presbytery, and is dissolved only by the authority of Presbytery. The Presbytery, acting through its Commission on the Minister and His Work, may dissolve the relationship upon the initiative of either the Church Session or the Assistant Pastor. Not being a Church officer elected by the congregation, the Assistant Pastor is not a member of the Session of that Church, but should be invited by the Session to be present at its meetings.

The official relationship of an Assistant Pastor to a church shall be reviewed by the Session when the relationship of the Pastor to that church is dissolved. An Assistant Pastor is not eligible to succeed the Pastor in a church which they serve to-

gether nor may he be called to be Associate Pastor in that church while the church is without a Pastor.

§ 25-4. When a church does not have a Pastor, or while the Pastor is unable to perform his duties, the Session should obtain the services of a Minister of this denomination in a temporary pastoral relation. [See § 25-6.]

(a) A Stated Supply is a Minister invited by the Church Session to preach the Word and administer the Sacraments, and to fulfill such pastoral duties as the Session thinks needful, for a definite period of not less than one month nor more than twelve months at a time. This relation is established only by an act of the Presbytery, after recommendation of its Commission on the Minister and His Work, and upon the request of the Church Session.

If the Stated Supply is a member of the Presbytery having jurisdiction of that church, the Presbytery may appoint him moderator of the Church Session during the period of his relationship to that church.

A Minister may not be called to be Pastor or Associate Pastor by a church which he has served as Stated Supply, unless six months have elapsed since the ending of the temporary relationship.

(b) An Interim Supply is a Minister invited by the Church Session to preach the Word and administer the Sacraments, and to fulfill pastoral duties, for a definite or an indefinite period while the church is seeking a Pastor. The Session may not secure an Interim Supply without seeking the counsel of the Commission on the Minister and His Work.

A Minister may not be called to be a Pastor or Associate Pastor of a church which he has served as Interim Supply, unless six months have elapsed since the ending of the temporary relationship.

(c) An Occasional Supply is a Minister invited by the Church Session to preach the Word and administer the Sacraments on a specified day or days. Before arranging for Occasional Supplies over a period when a church has no Pastor, the Session shall consult with the Presbytery through its Commission on the Minister and His Work. When it is not feasible to secure a Minister as a Stated, Interim or Occasional Supply, a Church Session may invite some Candidate, Ruling Elder, or other competent person to conduct the service of divine worship.



The Church Session may not secure any one Minister as Occasional Supply, or any other person to conduct divine worship, for longer than one month without seeking the counsel of the Commission on the Minister and His Work.

§ 25-5. When a Minister is called to labor as an Associate or an Assistant Pastor, or is invited to serve as Stated, Interim or Occasional Supply, those pastoral functions especially assigned as his duty in that church shall be clearly specified.

§ 25-6. In exceptional cases the Presbytery may approve one of its churches inviting a minister of another Reformed Church to serve in a temporary pastoral relation. Such a minister may moderate meetings of the Session, without the right to vote, when invited by the Session, except in judicial procedures; and may moderate meetings of the congregation, when elected by the congregation. [See also § 5-4; 15-4; and 25-4.]

## CHAPTER 26

### *The Calling of Ministers to a Definite Work*

§ 26-1. A church which desires to elect a Pastor or an Associate Pastor shall proceed after the following manner:

The Church Session shall call a congregational meeting to convene at the regular place of worship to elect a Nominating Committee, representative of the whole congregation, whose duty shall be to nominate a Minister to the congregation for election to the desired pastoral relation. Rather than elect a Nominating Committee representative of the whole congregation, the congregation may designate the Church Session as the Nominating Committee. Public notice of the time, place, and purpose of the meeting shall be given at public worship at least one week prior to the time of the meeting.

The Nominating Committee shall promptly confer with the Presbytery's Commission on the Minister and His Work. All names submitted to the Nominating Committee, with information as to the source of the suggestion, shall be referred to the Commission on the Minister and His Work for its advice.

When the Nominating Committee is ready to report, it shall so notify the Session, which shall call a congregational meeting at the regular place of worship for the purpose of acting on the re-

port of the Committee. Public notice of the time, place, and purpose of the meeting shall be given at public worship at least one week prior to the time of the meeting.

§ 26-2. When a congregation is convened for the election of a Pastor, the Church Session shall appoint one of their number to call the congregational meeting to order, to lead the people in solemn prayer for Divine guidance, and to preside until the congregation shall elect a Moderator.

For the orderly conduct of the election of a Pastor or an Associate Pastor, it is desirable that the congregation elect a Minister of the Presbyterian Church in the United States to preside. But if this is impracticable, they may elect any adult member of that church as Moderator for that meeting.

All communing members on the active roll of that particular church who are in good and regular standing, but no others, are entitled to vote. [See § 5-1.]

The Moderator shall determine whether a quorum of the congregation is present. He shall then put the question: "Are you ready to proceed to the election of a Pastor (or, of an Associate Pastor)?"

If they declare themselves ready, the Moderator shall hear the report of the Nominating Committee and declare the name submitted by the Committee to be in nomination. He shall then give opportunity for nominations from the floor. Both the nomination of the Committee and any nomination from the floor must have been previously submitted to the Presbytery's Commission on the Minister and His Work for its advice.

The vote may be taken by standing count, or, if the congregation prefer, by written ballot.

In every case, a majority of the votes cast shall be required to elect, and the minutes shall record the number favoring the call and the number opposing the call. A certification of this record shall be sent with the call to the Presbytery, and sent as information to the Minister to whom the call is addressed.

If it appears that a large minority of the voters are averse to the nominee, although he has received a majority of the votes cast, the Moderator shall raise the question whether the congregation should reconsider its vote.

§ 26-3. The call shall be in the following or like form: The . . . . . Presbyterian Church of . . . . ., being fully

satisfied with your ministerial qualifications, and confident that we have been led to you by the Holy Spirit as one whose ministry will be profitable to the spiritual interests of our church and fruitful for the Kingdom of our Lord, solemnly calls you, .....  
 ....., to undertake the work as Pastor of this congregation, promising you in the discharge of your duty all proper support, encouragement, and obedience in the Lord. That you may devote yourself wholly to the Ministry of the Word among us, we obligate ourselves to pay you the sum of \$..... a year in regular monthly payments, [insert here other terms, including such matters as manse, annual leave for study and rest, expense allowances, moving costs, medical insurance, etc.] and will pay the church's portion into the Ministers' Annuity Fund on that basis determined by the General Assembly, during the time of your being and continuing in the pastoral relationship set forth in this call to this church.

In testimony whereof we have respectively subscribed our names this ..... day of ....., A.D. .... Attest:

I, ....., having moderated the congregational meeting which extended a call to ..... for his ministerial services, do certify that the call has been made in all respects according to the rules laid down in The Book of Church Order, and that the persons who signed the foregoing call were authorized to do so by vote of the congregation.

.....  
 Moderator of the Congregational Meeting

When the call is to an Associate Pastor or an Assistant Pastor, the proper term shall be substituted for the term "Pastor." It shall also be appropriate to include a designation of the function to be exercised, such as: Minister of Education, Minister to Students, Minister of Visitation, Minister of Missions, Minister of Church Administration, etc. [See § 25-3.]

§ 26-4. Persons shall be appointed by the public vote of the congregation to sign the call. The Moderator of the meeting shall certify to the Presbytery that those signing the call were properly appointed, and that the call was in all other respects prepared as constitutionally required.

§ 26-5. One or more commissioners shall be elected by the con-

gregation to present the call to the Presbytery through its Commission on the Minister and His Work, and to prosecute the call before the Presbytery itself.

§ 26-6. A call shall be placed in the hands of a Minister or a Candidate only by that Presbytery to which he belongs, or under whose care he is in his preparation for the Gospel Ministry. When the call has been presented to the Presbytery, if the Presbytery finds it in order and deems it for the good of the Church that it be accepted by that person to whom it is addressed, it shall place the call in his hands that he may indicate whether he is ready to undertake the responsibilities stated in the call.

§ 26-7. When a church of one Presbytery extends a call to a Minister or a Candidate of another Presbytery, the commissioners appointed to prosecute the call shall so inform him. Upon receipt of such information he may request transfer to the Presbytery having jurisdiction of the church, there to be examined and received.

§ 26-8. When a court or agency of the Church shall call a Minister to labor in the Church at tasks edifying to the Church but not involving pastoral relationships, the court or agency shall lay before the Presbytery having jurisdiction of the Minister a call appropriate to the service involved.

§ 26-9. When a Minister desires to accept work which is not under the jurisdiction of any Church court, he shall request permission of his Presbytery. After the Presbytery has determined that the nature of the work is proper to the Ministry of the Gospel, and that the particular work serves the best interests of the Church and the Minister, it may grant permission. If the work is not deemed proper to the Ministry, and the Minister insists upon accepting it, he shall request to be divested of his office without censure.

The same procedures shall apply to a Candidate seeking ordination.

## CHAPTER 27

### *The Ordination and Installation of Ministers*

§ 27-1. Before a Candidate can be ordained to the office of Minister of the Word, he must have been called to a definite

pastoral relation or to some other definite work in the Church of which the Presbytery approves. The only exception is that stated in the following section.

§ 27-2. A Candidate who has completed his studies in preparation for ordination, and has opportunity for further studies, may request his Presbytery to ordain him. If the Presbytery is assured of his good conscience and his acceptability to God's people, approves the Candidate's intended course of study, and thinks it best for the Candidate and for the Church, the Presbytery may, after examination, appoint him to that study and proceed to his ordination.

§ 27-3. When a Candidate is called to work of which the Presbytery approves and indicates his willingness to accept, the Presbytery shall take immediate steps for his ordination.

§ 27-4. No Presbytery shall ordain any Candidate to the office of the Gospel Ministry to labor within the bounds of another Presbytery, but shall dismiss him as a Candidate to the Presbytery within whose bounds he expects to labor, that he may submit himself to its authority, according to the Constitution of the Church.

§ 27-5. The requirements for ordination shall be as follows:

(1) The Presbytery shall carefully examine the Candidate as to his knowledge of the various theological studies, including the original languages of the Holy Scriptures, and as to his knowledge of such other branches of learning as shall appear suitable to the Presbytery. Certificates from a standard four-year college and from a standard theological seminary, requiring not less than three years in residence, shall be required and may be accepted in lieu of these examinations with the exception of those in personal religious experience, Theology, Bible, the Sacraments, and in The Book of Church Order, including Government, Discipline, and Worship. In these required examinations the Candidate shall be examined as to his views as well as his knowledge.

(2) The Candidate shall prepare a thesis on some theological topic assigned by Presbytery.

(3) The Candidate shall prepare an exegesis on an assigned

portion of Scripture, requiring the use of the original language or languages.

(4) The Candidate shall preach a sermon before the Presbytery on some assigned passage or text.

The Presbytery shall not omit any of these requirements for ordination, except in the case of an extraordinary Candidate when only the formal educational requirements may be waived and an assignment in exegesis substituted which does not require knowledge of the original languages. Such cases shall require consent of three-fourths of the members of Presbytery present and shall be voted upon in a meeting subsequent to the one in which the motion is made. A full record of such action and the reason therefor shall be recorded in the minutes of Presbytery.

When the Presbytery is fully satisfied concerning the Candidate's qualifications for the sacred office, it shall appoint a time for his ordination, which ought, if practical, to be in that church of which he is to be the Pastor.

§ 27-6. On the day appointed for the ordination and installation of the Candidate, the Presbytery (or the Commission appointed by the Presbytery for the purpose) shall convene. The procedure shall be as follows:

A sermon suitable for the occasion shall be preached by a person appointed or invited by the Presbytery.

The member appointed to preside shall briefly state the proceedings of Presbytery preparatory to the ordination. He shall point out the nature and the importance of the ordinance and endeavor to impress the congregation with a proper sense of its solemnity.

The member presiding shall then propose to the Candidate the following questions:

(1) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?

(2) Do you sincerely receive and adopt the Confession of Faith and the Catechisms of this Church, as containing the system of doctrine taught in the Holy Scriptures?

(3) Do you promise that if at any time you find yourself out of accord with any of the fundamentals of this system of doctrine you will on your own initiative make known to your



Presbytery the change which has taken place in your views since the assumption of this ordination vow?

(4) Do you approve the government and discipline of the Presbyterian Church in the United States?

(5) Do you promise subjection to your brethren in the Lord?

(6) Have you been induced, as far as you know your own heart, to seek the office of the holy Ministry from love to God and a sincere desire to promote his glory in the Gospel of his Son?

(7) Do you promise to be zealous and faithful in maintaining the truths of the Gospel and the purity and peace of the Church, whatever persecution or opposition may arise unto you on that account?

(8) Do you engage to be faithful and diligent in the exercise of all your duties as a Christian and a Minister of the Gospel, whether personal or relative, private or public; and to endeavor by the grace of God to adorn the profession of the Gospel in your manner of life, and to walk with exemplary piety before the flock of which God shall make you overseer?

(9) Are you now willing to take the charge of this church, agreeably to your declaration when accepting their call? And do you, relying upon God for strength, promise to discharge to it the duties of a Pastor?

When the Candidate has answered all these questions in the affirmative, the presiding member shall propose to the church the following questions:

(1) Do you, the people of this congregation, continue to profess your readiness to receive . . . . ., whom you have called to be your Pastor?

(2) Do you promise to receive the word of truth from his mouth with meekness and love, and to submit to him in the due exercise of discipline?

(3) Do you promise to encourage him in his labors, and to assist his endeavors for your instruction and spiritual edification?

(4) And do you engage to continue to him while he is your Pastor that material provision set forth in your call, and to furnish him with whatever you may see needful for the honor of religion?

When the people have answered these questions in the affirmative by holding up their right hands the Candidate shall kneel, and the Presbytery shall, with prayer and the laying on of hands,

according to the apostolic example, solemnly set him apart to the holy office of the Gospel Ministry.

After the prayer the Candidate shall rise and the member who presides shall first, and afterwards all the members of the Presbytery in their order, take him by the right hand, saying, in words to this effect: "We give you the right hand of fellowship to take part in this Ministry with us." The presiding member shall then say: "I now pronounce and declare that . . . . . has been ordained to the Ministry of the Word and Sacraments and has been regularly elected and installed Pastor of this congregation, agreeably to the Word of God, and according to the Constitution of the Presbyterian Church in the United States; and that as such he is entitled to all support, encouragement, honor, and obedience in the Lord: In the name of the Father, and of the Son, and of the Holy Spirit. Amen."

Persons appointed or invited by the Presbytery for the purpose shall give solemn charges to the Pastor and to the congregation to persevere in the discharge of their reciprocal duties.

After prayer and the singing of a psalm, or hymn, the congregation shall be dismissed with the benediction.

After the installation, the members of the congregation, or at least the Ruling Elders and Deacons, should come forward to their Pastor, and give him their right hand, in token of cordial reception and affectionate regard.

The Presbytery shall duly record the transaction.

§ 27-7. The installation of an ordained Minister shall follow a procedure similar to that outlined for ordination and installation, with necessary changes and omissions. The following questions shall be substituted for those addressed to a Candidate for ordination:

(1) Are you now willing to take charge of this congregation as their Pastor agreeably to your declaration in accepting its call?

(2) Do you conscientiously believe and declare, as far as you know your own heart, that, in taking upon you this charge, you are influenced by a sincere desire to promote the glory of God and the good of the Church?

(3) Do you solemnly promise that, by the assistance of the grace of God, you will endeavor faithfully to discharge all the duties of a Pastor to this congregation, and will be careful to



maintain a deportment in all respects becoming a Minister of the Gospel of Christ, agreeably to your ordination engagements?

§ 27-8. The congregation and the Minister to be installed should prepare themselves for the service by prayer, worship, study, and other appropriate spiritual disciplines.

§ 27-9. When a Minister is called as Pastor of two or more congregations, he must be installed in each congregation. This may be accomplished at a service held jointly by the congregations.

§ 27-10. In the ordination of Candidates who will do work other than that of a Pastor, the same questions are to be propounded as in the ordination of those who will be Pastors, with the exception of the ninth, for which the following shall be substituted:

"Do you now undertake the work to which you have been called and do you promise, in reliance upon God for strength, to be faithful in the discharge of all the duties incumbent upon you as a Minister of the Gospel of the Lord Jesus Christ?"

## CHAPTER 28

### *Dissolution of Pastoral Relationships*

§ 28-1. The pastoral relationship between a Pastor or Associate Pastor and a church may be dissolved only by Presbytery. The Minister shall request the Presbytery to dissolve the pastoral relationship. He must also state his intention to the Session which shall call a congregational meeting in precisely the same manner as when the call of a Pastor is to be extended. The congregation may or may not concur with the request of the Minister. If it does not concur, the Presbytery shall cite the church to appear by its commissioners; or the church may so appear on its own initiative, to show cause, if it has any, why the Presbytery should not dissolve the pastoral relation. If the church fails to appear, or if its reasons for retaining the relationship with the Minister be deemed insufficient, his request may be granted and the pastoral relationship dissolved.

The Presbytery may grant to the Commission on the Minister and His Work, in cases where Pastor and congregation have formally concurred, authority to dissolve the pastoral relationship and to inform the Stated Clerk who may then dismiss the Minister.

§ 28-2. If any church desires to be relieved of its Pastor, a similar procedure shall be observed. A congregation, after authorization by a duly called congregational meeting, may petition Presbytery to dissolve its relationship with its Pastor. The Pastor may or may not concur with the request of the congregation. The Presbytery shall cite the Pastor to appear; or he may appear on his own initiative, to show cause, if he has any, why Presbytery should not dissolve the relationship. If the Pastor fails to appear, or if his reasons for maintaining the relationship be deemed insufficient, the relationship may be dissolved.

§ 28-3. When a Minister reaches the age of seventy years the pastoral relationship between him and the church or churches he is serving shall automatically terminate. The Minister shall notify the Presbytery through its Commission on the Minister and His Work six months before the date of his seventieth birthday.

A Minister serving as Pastor, Associate Pastor, Assistant Pastor, or Stated Supply at the date of his seventieth birthday is eligible for re-election in the same relationship for a term of one year at a time, not to exceed five terms. In the re-election of Pastors and Associate Pastors a congregational meeting shall be called for that purpose by the Session, after it has consulted with the Commission on the Minister and His Work. No installation is necessary when a Minister is thus re-elected by the same church or churches.

A Minister may be called to serve as Assistant Pastor, Stated Supply, Interim Supply or Occasional Supply by a church or churches other than that in which he was serving when he reached the age of seventy, but not as Pastor or Associate Pastor.

§ 28-4. This provision for automatic termination of relationship at the age of seventy shall not be compulsory unless the church or churches have entered the Ministers' Annuity Fund, or have arranged for a retirement pension equal to the minimum provided by the Ministers' Annuity Fund.

§ 28-5. This provision for automatic termination of relationship at the age of seventy shall apply also to all Ministers serving the Church, its agencies or its courts in any capacity.

## CHAPTER 29

*Election, Ordination and Installation of  
Ruling Elders and Deacons*

§ 29-1. Every church shall elect persons to the offices of Ruling Elder and Deacon in the following manner:

- (1) The Session shall order a congregational meeting to convene at the regular place of worship when it seems desirable for the church to have additional Ruling Elders or Deacons. If one-fourth of the persons entitled to vote shall at any time request the Session to call a congregational meeting for the purpose of electing additional officers, it shall be the duty of the Session without delay to call such a meeting.
- (2) Public notice shall be given of the time, place, and purpose of this meeting at least one week prior to the appointed time.
- (3) The congregation shall meet according to requirements of the Form of Government.
- (4) The voters being convened, the Moderator shall explain the purpose of the meeting and then put the question: "Are you now ready to proceed to the election of additional Ruling Elders (or Deacons)?" If they declare themselves ready, the election may proceed by nomination, or by private ballot without nomination, as the congregation may prefer. Any procedure for nominations must allow for nominations from the floor by any member present.
- (5) The number of officers to be elected shall be determined by the congregation before the ballot.
- (6) In every case a majority of all the votes cast shall be required to elect. [See § 5-1 ff.]

§ 29-2. When any person has been elected to the office of Ruling Elder, or Deacon, the Session shall confer with him as to his willingness to undertake the office. After a period of instruction the Session shall examine him as to his religious experience, his knowledge and acceptance of the system of doctrine, government, and discipline contained in the Constitution of the Church, and the duties of the office to which he has been elected. When the examination is approved, the Session shall appoint a day for his ordination and installation.

§ 29-3. The procedure of the ordination and installation of Elders and Deacons shall be as follows:

The Session shall be officially convened in the presence of the congregation. A sermon shall be preached if convenient.

The presiding Minister shall state in a concise manner the warrant and nature of the office of Ruling Elder, or Deacon, together with the character proper to be sustained and the duties to be fulfilled.

The presiding Minister shall propose to the candidate the following questions which shall be answered in the affirmative:

- (1) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?
- (2) Do you sincerely receive and adopt the Confession of Faith and the Catechisms of this Church, as containing the system of doctrine taught in the Holy Scriptures?
- (3) Do you promise that if at any time you find yourself out of accord with any of the fundamentals of this system of doctrine, you will on your own initiative make known to your Session the change which has taken place in your views since the assumption of this ordination vow?
- (4) Do you approve the government and discipline of the Presbyterian Church in the United States?
- (5) Do you accept the office of Ruling Elder (or Deacon) in this church, and promise faithfully to perform all the duties thereof, and to endeavor by the grace of God to adorn the profession of the Gospel in your life, and to set a worthy example before the Church of which God has made you an officer?
- (6) Do you promise subjection to your brethren in the Lord?
- (7) Do you promise to study the peace, unity, edification and purity of the Church?

The Minister shall address to the members of the church the following question which shall be answered in the affirmative by holding up the right hand:

Do you, the members of this church, acknowledge and receive this brother as a Ruling Elder (or Deacon), and do you promise to yield him all that honor, encouragement, and obedience in the Lord to which his office, according to the Word of God and the Constitution of this Church, entitles him?

The officer shall kneel and the Church Session shall proceed to

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set him apart, with prayer and the laying on of hands, to the office of Ruling Elder (or Deacon).

Prayer being ended, the members of the Session (and the Deacons, if the case be that of a Deacon) shall take the newly ordained officer by the hand, saying, in words to this effect: "We give you the right hand of fellowship, to take part in this office with us."

The Minister shall then say: "I now pronounce and declare that . . . . . has been regularly elected, ordained, and installed a Ruling Elder (or Deacon) in this church, agreeably to the Word of God, and according to the Constitution of the Presbyterian Church in the United States; and that as such he is entitled to all encouragement, honor and obedience in the Lord: In the name of the Father, and of the Son, and of the Holy Spirit. Amen."

After this the Minister shall give to the Ruling Elder (or Deacon) and to the church an exhortation suited to the occasion.

§ 29-4. The offices of Ruling Elder and Deacon cannot be laid aside at the officer's pleasure. Neither can the ordination of any man be removed except by regular process.

§ 29-5. An Elder or Deacon remains ordained to his office in the Church unless divested thereof by the proper action of a Church court, and is obligated to continue his performance of those duties of the office which are to be exercised severally.

Yet a Ruling Elder or Deacon may have reasons which he deems valid for being released from the active duties of his office. In such a case the Session, after conference with him and careful consideration of the matter, may, if it thinks proper, dissolve the active officer relationship which exists between him and that church.

When an officer's term of service expires, or when he is made Elder or Deacon Emeritus, or when he moves his membership to another church, he ceases to function jointly with the other officers in the Session or Board of Deacons.

§ 29-6. Any Ruling Elder (or Deacon) who has served faithfully but whose ability to continue to render active service is limited by age, physical disability or other cause, may be elected Ruling Elder (or Deacon) Emeritus by the congregation at a regularly called meeting, provided such Ruling Elder (or Deacon) is will-

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ing and indicates in advance his recognition of this act as an honor. A Ruling Elder Emeritus is not eligible to represent that church in the higher courts.

§ 29-7. A Deacon may be elected to be a Ruling Elder or an Elder may be elected to be a Deacon, but no Church officer may engage in active service in two offices at the same time. Ordination to the second office does not invalidate the previous ordination.

§ 29-8. A Ruling Elder, or Deacon, though chargeable with no specific offense, may become unacceptable in an active capacity to a majority of the church which he serves. In such a case the church may take the initiative by a majority vote at a regularly called congregational meeting, and request the Session to dissolve the active relationship between the church and the officer without censure. The Session, after conference with the Ruling Elder, or Deacon, may, after careful consideration, use its discretion as to dissolving the active relationship. In either case the Session shall report its action to the congregation and to the officer. [See R.D. § 107-8.]

§ 29-9. The active relationship between a Ruling Elder, or Deacon, and his church may also be dissolved by the Presbytery when it finds, following a hearing which provides procedural safeguards as in cases of process, that the action is necessary for the welfare of the Church. [See § 16-7(5); 19-3.]

§ 29-10. When a Ruling Elder, or Deacon, because of a change of residence or disability is unable to perform the duties of his office for a period of one year, his active relationship shall be dissolved by the Session unless there is good reason, which must be recorded.

§ 29-11. Instead of electing Ruling Elders and Deacons for an indefinite period of active service, a particular church, by a majority vote at a congregational meeting, may adopt a plan for the election of either Ruling Elders or Deacons, or both, for limited terms of active service. In such cases the terms of active service shall be not less than three years, except to initiate the system or to fill unexpired terms, and the Session and the Board of Deacons shall consist of not less than three classes elected at



regular intervals. When a congregation limits terms of service it shall designate the period, if any, during which officers shall be ineligible for re-election to active service.

An Elder whose term of service has expired in a church is eligible to represent that church in the higher courts.

§ 29-12. The installation of an Elder or Deacon previously ordained shall follow a procedure similar to that set forth for ordination and installation except that the first four questions proposed to a candidate for ordination shall be omitted, as well as the laying on of hands by the Session.

## AMENDMENT AND UNION

### CHAPTER 30

#### *Amending the Constitution and Effecting Church Unions*

§ 30-1. Amendments to The Book of Church Order may be made only in the following manner:

- (1) The approval of the proposed amendment by the General Assembly and its recommendation to the Presbyteries.
- (2) The advice and consent of a majority of the Presbyteries.
- (3) The approval and enactment by a subsequent meeting of the General Assembly.

§ 30-2. Amendments to the Confession of Faith and Catechisms of this Church may be made only in the following manner:

- (1) The approval of the proposed amendment by the General Assembly and its recommendation to the Presbyteries.
- (2) The advice and consent of three-fourths of the Presbyteries.
- (3) The approval and enactment by a subsequent meeting of the General Assembly.

These provisions can be amended only by the same method as they prescribe for the amendment of the Confession of Faith and the Catechisms of this Church.

§ 30-3. Full organic union and consolidation of the Presbyterian Church in the United States with any other ecclesiastical body can be effected only in the following manner:

- (1) The approval of the proposed union by the General Assembly and its recommendation to the Presbyteries.

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- (2) The advice and consent of three-fourths of the Presbyteries.
- (3) The approval and consummation by a subsequent meeting of the General Assembly.

These provisions can be amended only by the same method which is prescribed for the amendment of the Confession of Faith and the Catechisms of the Church. [See § 18-6(13) and (17).]

§ 30-4. If by reason of the failure of a number of the Presbyteries to act, or to report action, on any proposed amendment to the Constitution, the response of the Presbyteries is not satisfactory to the succeeding meeting of the General Assembly, it may defer action for one year. In that event the General Assembly shall urge the delinquent Presbyteries to report their judgment to the next meeting of the Assembly, which shall take final action on the proposed amendment.

§ 30-5. No vote shall be taken by a Presbytery on any issue sent to such Presbytery by the General Assembly for advice and consent under this chapter unless at least ten days' notice has been given in writing to each Teaching Elder enrolled in the Presbytery and to the Clerk of Session of each church in the Presbytery. Such notice should state the issue to be presented for advice and consent and the time and place of such Presbytery meeting.

### CHAPTER 31

#### *Of Union Churches*

§ 31-1. Particular churches of this Church may unite to form union churches with one or more particular churches of the United Presbyterian Church in the United States of America, of the Reformed Church in America, and of other Reformed bodies, with the approval of the Presbytery.

§ 31-2. The following Plan of Union shall be adopted by the union church so formed:

- (1) The following Plan of Union is adopted by the ..... Presbyterian Church of ..... and the ..... Church of ....., effective as of the date when each



of the congregations has approved the plan by a two-thirds majority of those present at a regularly called congregational meeting with such notice and quorum as is required by the Constitution of each Church, and when the Presbytery (Classis) of jurisdiction of each church has approved the particular union and this Plan of Union.

(2) The purpose of this union is to provide for the worship of Almighty God and instruction in the Christian religion by a united congregation which will share the property, real and personal, of the uniting churches and provide for the services of a Minister or Ministers for the united church.

(3) The united church shall be known as the ..... Church of .....

(4) The united church shall be subject to the Constitution of each Church involved as set forth in subsections (18), (19), (21), and (22) below.

(5) The Session (Consistory) shall submit its records annually, and whenever requested, to each judicatory of jurisdiction.

(6) The membership of the united church shall consist of those who were members of the uniting churches, plus those received by the Session (Consistory) of the united church.

(7) The Session (Consistory) of the united church shall report an equal share of the total membership to each judicatory of jurisdiction, and such membership shall be published in the Minutes (Acts and Proceedings) of the General Assembly, with a note to the effect that the report is that of a union church, and with an indication of the total actual membership. A similar report of church school members, baptisms, etc., and financial expenditures shall be made by the Session (Consistory) and noted by each General Assembly in its minutes.

(8) Initially the officers of the united church, Elders and Deacons, shall be those officers in active service of the uniting churches, who will undertake to perform their ordination responsibilities under the Constitution of each Church, as indicated in subsections (4) above and (18), (19), (21), and (22) below.

(9) At the first annual meeting subsequent to the effective date

of the union, new classes of officers, to replace the officers noted in section (8) above, shall be elected by the united congregation according to the constitutional procedure in force as a consequence of subsection (22) below.

(10) The pastoral relations of the Ministers of the uniting churches shall be dissolved automatically by the action of the Presbytery (Classis) of jurisdiction in approving this plan, but they may be eligible to be Ministers (Pastors or Associate Pastors) of the united church according to the will of the united congregation and subject to the approval of the Presbyteries (both the Classis and the Presbytery).

(11) The Minister or Ministers of the united church shall be full and responsible members of each judicatory of immediate jurisdiction and shall be subject to discipline as provided in subsection (19) below.

(12) The united church shall cause a corporation to be formed under the appropriate laws of the state, where permissible. That corporation shall include in its articles or charter the substance of subsections (2), (3), and (4) above.

(13) All property of the uniting churches, real and personal, shall be transferred to the corporation formed in subsection (12) above. The new corporation shall be the legal successor of the corporations, if any, of the uniting churches, and it shall be bound to administer any trust property or monies received in accordance with the provisions of the original establishment of the trust. All liabilities of the uniting churches shall be liabilities of the united church. In any state where a church corporation is forbidden, the purposes of this paragraph shall be achieved in harmony with the law of that state.

(14) Trustees of the corporation (or the unincorporated body) shall be elected in harmony with civil law according to the constitutional provisions outlined in subsection (4) above, as interpreted by subsection (22) below.

(15) While recognizing the basic right of any giver to designate the cause or causes to which his own gift shall go, the Session (Consistory) of the united church shall annually propose to the congregation a general mission or benevolence program

which shall be divided equitably among the officially approved causes of each denomination. The proportions shall be as the Session (Consistory) shall decide in response to the requests of the higher judicatories.

(16) Per capita apportionments or assessments shall be paid to each Presbytery (Classis) of jurisdiction on the basis of the total communicant membership of the union church, equally divided among the denominations involved.

(17) All members of the united church shall be under the discipline of the Session (Consistory) according to rules agreed upon in harmony with the Constitution of each denomination where they coincide, and in harmony with the mandatory provisions of the Constitution of one denomination where the others are permissive, and at the choice of the Session (Consistory) where they may be contradictory.

(18) Appeals or complaints against the actions of the Session (Consistory) shall be made to one judicatory only (Presbytery or Classis) at the choice of the members and all subsequent appeals or complaints shall be in the courts of the members' original choice, and decisions so finally made shall be binding on the Session (Consistory) and on the member.

(19) The Minister or Ministers shall be subject to the discipline of the Presbyteries (the Presbytery and the Classis) provided that when either shall begin an action, it shall invite a committee from the others to join the commissioner, prosecutor, or prosecuting committee in formulating and pressing the charges. In the event of appeal the case shall be finally decided by the highest court to which the appeal is taken in the Church which commenced the action, and that decision shall be equally binding on the Presbyteries (both the Presbytery and the Classis).

(20) The Minister or Ministers shall participate in the denominational Pension Plan of one of the Churches. If he is already participating in one plan, he shall remain in that plan. If he is not a member of any, he shall choose among them.

(21) Complaints against the administrative acts of the Session (Consistory) may be taken under the constitutional provisions

of only one denomination, according to the choice of the complainant, and once being complained to one judicatory, no other denomination shall accept jurisdiction in the same matter.

(22) Wherever the Constitutions of the denominations differ, the mandatory provisions of one shall apply in all cases when the others are permissive. Wherever there are conflicting mandatory provisions (except as provided in subsection (17) above), the Session (Consistory) of the united church shall petition the judicatories of immediate jurisdiction to overture their respective highest courts to resolve the conflict either by authoritative interpretation or by constitutional amendment.

(23) A union church may be dissolved by a two-thirds vote of two congregational meetings, held not less than one year and not more than two years apart, subject to the concurrence of the Presbyteries (Classes) involved. In case of dissolution of a union church, all property of the united church, real and personal, shall be divided equally between the Presbyteries (the Presbytery and the Classis) of jurisdiction.

§ 31-3. No provision in this chapter shall be construed as modifying or amending the Constitution of this Church in its application to any but union churches organized under this chapter, their members, officers, or Ministers.

## CHAPTER 32

### *Of Union Presbyteries (Classes)*

§ 32-1. A Presbytery of this Church may unite with a Presbytery or Classis of the United Presbyterian Church in the United States of America, the Reformed Church in America, or another Reformed body, to form a union Presbytery (Classis), with the approval of the Synod of jurisdiction of which the Presbytery (Classis) is a part. A union Presbytery (Classis) may be composed of two or more Presbyteries (Classes) from two or more Reformed bodies.

§ 32-2. The following Plan of Union shall be adopted to each Presbytery (Classis) involved:

(1) This Plan of Union is adopted by the Presbytery of ..... and the Presbytery (Classis) of ..... effective as of ..... (date), the Presbyteries (Presbytery and Classis) having each approved the plan by a two-thirds majority of those present at a stated meeting of the Presbytery (Classis), the matter having been published beforehand on its docket and the union and this plan having been approved by the Synod of jurisdiction over each Presbytery.

(2) The purpose of the union shall be the furtherance of a united witness and mission, the administration of a single program of nurture, sustenance, and growth of the Church within the union Presbytery (Classis), and the oversight of all churches within its bounds by a union Presbytery (Classis), which will hold title to the properties of the uniting judicatories and provide the functions and fulfill the duties of a Presbytery (Classis), as specified in the Constitution of each Church.

(3) The union Presbytery (Classis) shall be subject to the Constitution of each denomination as set forth below:

(a) The Presbytery (Classis) shall submit its records annually, and whenever requested, to each Synod of jurisdiction.

(b) The Presbytery (Classis) shall be fully and equally responsible to each Church. The Presbytery (Classis) shall adjust its benevolence or general mission askings of the particular churches annually, to the end that the Presbytery (Classis) shall equitably support the program of each denomination.

(c) Per capita apportionments or assessments shall be paid to each Synod and General Assembly of jurisdiction on the basis of the communicant strength of the union Presbytery (Classis), equally divided among the denominations involved.

In the event that such a procedure proves inequitable, an alternative basis may be adopted, subject to approval by the Synod of jurisdiction of each denomination. Such an alternative, if adopted, shall be subject to periodic review.

(d) The union Presbytery (Classis) shall be under the discipline of the Synods and General Assemblies, according to standing rules agreed upon in harmony with the Constitutions

of the denominations where they coincide, and in harmony with the mandatory provisions of the laws of each Church where the others are permissive, and at the choice of the Presbytery (Classis) where they may be contradictory.

(e) Appeals or complaints against the actions of the Presbytery (Classis) shall be made only to the Synod of one denomination. That denomination shall be determined by the Presbytery (Classis), and all subsequent appeals or complaints in the same action shall be in the courts of the original determination, and decisions so reached shall be binding on all the parties to such action.

(f) Complaints against administrative acts of the Presbytery (Classis) may be taken under the constitutional provisions of only one denomination, according to the determination of the Presbytery (Classis); and, once being complained to one court, courts of the other denominations may not accept jurisdiction in the same matter.

(g) Wherever the Constitutions of the denominations differ, any mandatory provisions of one shall apply in all cases where the others are permissive. Where there are conflicting mandatory provisions (except as provided in subsection (3) (d) above), the union Presbytery (Classis) shall overture the General Assemblies of the denominations involved to resolve the conflict either by authoritative interpretation or by constitutional amendment.

(4) The membership of the union Presbytery (Classis) shall consist of all minister members of each uniting Presbytery (Presbytery and Classis), and all the churches (elder representatives thereof) of the uniting Presbyteries (Presbytery and Classis), plus all others received by the union Presbytery (Classis), subsequent to the effective date of this union. When the Constitutions of the Churches vary as to elder representation, that provision which confers the largest representation shall apply.

(5) The churches of a union Presbytery (Classis) shall be considered union churches belonging to each denomination. Each particular church shall be reported to each General Assembly and Synod of jurisdiction on the basis of an equal division of its



total membership, with a notation to the effect that this has been done.

(6) Ministers of the union Presbytery (Classis) shall be full and responsible members of each denomination. They shall be subject to the jurisdiction and discipline of the denominations as provided in this plan. Ministers and Elders shall be eligible to serve as Commissioners (delegates) to any General Assembly, as provided in the Constitutions of each denomination. Commissioners (delegates) to General Assembly shall be elected on the basis of an equal division of the total communicant membership of the Presbytery (Classis).

(7) The union Presbytery (Classis) shall be responsible to propose to all its churches a general mission and benevolence program which it judges to be an adequate and equitable response to the requests of the Assemblies, the Synods, and to its own needs. Each Session (Consistory) shall give the members of its congregation opportunity to support this general mission and benevolence program.

(8) The union Presbytery (Classis) shall cause a corporation to be formed under the appropriate laws of the state. This corporation shall include in its articles or charter the substance of subsections (1), (2), and (3) above. All property of the uniting Presbyteries (Presbytery and Classis), real and personal, shall be transferred to the corporation or corporations formed under this section. The new corporation shall be the legal successor of the corporations, if any, of the uniting Presbyteries (Presbytery and Classis), and it shall be bound to administer any trust property or monies received in accordance with the provisions of the original establishment of the trust. All liabilities of each uniting Presbytery (Classis) shall be liabilities of the union Presbytery (Classis). In any state where a church corporation is forbidden, the purpose of this paragraph shall be achieved in harmony with the laws of that state.

(9) The union Presbytery (Classis) shall draw up standing rules which shall define the operation of Presbytery (Classis) in such a manner as to fulfill all the functions of a Presbytery

(Classis), as defined in the Constitution of each denomination.

(10) Each Minister who may be subject to the call of Presbytery (Classis) or any of its constituent churches in the exercise of his vocation, or who may be an employee of Presbytery (Classis), shall participate in the denominational pension plan of one of the Churches. If the Minister is already participating in one plan, he shall remain in that plan. If he is not a member of any, he shall choose among them.

(11) A union Presbytery (Classis) may be dissolved by a two-thirds vote at two stated meetings of Presbytery (Classis), not less than one year and not more than two years apart, subject to the concurrence of the Synods involved.

(a) In case of dissolution of a union Presbytery (Classis), all the property, real and personal, of the union Presbytery (Classis) shall be divided between the denominations or their courts of jurisdiction on the basis of the origin of the property, if such is determinable. If the origin is not determinable, then the property shall be divided equally between the denominations or their courts of jurisdiction, as may be proper.

(b) The particular churches within the dissolved union Presbytery (Classis) shall retain their status as union churches, unless they vote to change their status under the provisions of § 31-2(23).

§ 32-3. No provision in this Plan of Union shall be construed as modifying or amending the Constitution of this Church in its application to any but union Presbyteries (Classes) organized under this chapter, their churches, or Ministers.

## THE RULES OF DISCIPLINE



## THE RULES OF DISCIPLINE\*



## PART I

## Doctrine of Church Discipline

## CHAPTER I

*The Nature and Purposes of Church Discipline*

§ 101-1. Church discipline is the Church's exercise of authority given by Christ, both in the direction of guidance, control and nurture of its members, and in the direction of constructive criticism of offenses. Thus, the aims of discipline are that God may be honored, that the purity and welfare of the Church may be maintained, and that those under the Church's discipline may be brought to repentance and restoration.

§ 101-2. Discipline for correction is not to be exercised by individuals but is committed to Presbyters to be exercised in Church courts.

§ 101-3. To these ends every court should show its constant concern that the conduct of members, officers, churches and courts under its care be in accordance with the laws of Christ. Where it is necessary a court should take action to apply Church censures according to the procedures in this book.

§ 101-4. Discipline over the children of communing members is exercised by the Session, and is limited to advice and counsel, which may take the form of warning and reproof.

§ 101-5. The power which Christ has given the Church is for building up, and not for destruction. Discipline is to be exercised

\* Approved and enacted by the General Assembly April 29, 1961.

as under a dispensation of mercy and not of wrath. The Church is to act as a mother who corrects her children for their good, that every one of them may be presented faultless in the day of Christ.

§ 101-6. The remainder of the Rules of Discipline are concerned only with the corrective aspect of Church discipline and the modes in which it is to be administered.

## Substantive Rules of Discipline

### CHAPTER 2

#### *Offenses*

§ 102-1. An offense, the proper object of judicial process, is anything in the principles or practice of a church member professing faith in Christ which is contrary to the Word of God, as understood through Holy Scripture and interpreted in the Constitution of the Presbyterian Church in the United States. The Confession of Faith and the Larger and Shorter Catechisms, together with the formularies of Government, Discipline, and Worship, are accepted by the Presbyterian Church in the United States as standard expositions of the teachings of Scripture in relation to both faith and practice.

§ 102-2. Offenses are either personal or general, private or public; but all offenses, being sins against God, are grounds of discipline.

§ 102-3. Personal offenses are violations of the divine law, considered in the special relation of wrongs or injuries to particular individuals. General offenses are heresies or immoralities having no such relation, or considered apart from it.

§ 102-4. Private offenses are those which are known only to a few persons. Public offenses are those which are notorious.

### CHAPTER 3

#### *Church Censures*

§ 103-1. The censures which may be inflicted by Church courts are Admonition, Suspension, Excommunication, and Deposition. When a lower censure fails to reclaim the offender, it may become



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the duty of the court to proceed to the infliction of a higher censure.

§ 103-2. **ADMONITION** is the formal reproof of an offender by a Church court, warning him of his guilt and danger, and exhorting him to be more circumspect and watchful in the future.

§ 103-3. **SUSPENSION**, with respect to church members, is their temporary exclusion from the Sacraments. With respect to Church officers, it is their temporary exclusion from the exercise of their office, to which temporary exclusion from the Sacraments may be added. It may be either definite or indefinite as to its duration. Definite Suspension is administered when the credit of religion, the honor of Christ, and the good of the offender demand it, even though he may have given satisfaction to the court. Indefinite Suspension is the exclusion of an offender from the Sacraments, or from his office, until he exhibits signs of repentance, or until, by his conduct, the necessity of the highest censure is made manifest.

§ 103-4. **EXCOMMUNICATION** is the excision of an offender from the communion of the Church. This censure is to be inflicted only on account of gross crime or heresy, when the offender shows himself incorrigible and contumacious. The design of this censure is to operate on the offender as a means of reclaiming him, to deliver the Church from the scandal of his offense, and to inspire all with fear by the example of his discipline.

§ 103-5. **DEPOSITION** is the degradation of an officer from his office, and may or may not be accompanied with the infliction of other censure.

## Procedural Rules of Discipline in Trials (Cases of Process)

### CHAPTER 4

#### *Jurisdiction and Parties*

§ 104-1. Original jurisdiction over church members, Ruling Elders and Deacons is in the Church Session of the church to which such members belong. Original jurisdiction over Ministers is in the Presbytery to which the Minister belongs. In cases where the court having original jurisdiction is unable to exercise jurisdiction, process may be begun before the next higher court.

§ 104-2. It is the duty of all Sessions and Presbyteries to exercise care over those subject to their authority; and they shall, with due diligence and great discretion, demand from such persons satisfactory explanations concerning reports affecting their Christian faith or conduct. This duty is more imperative when those who deem themselves aggrieved by injurious reports ask for an investigation. If such investigation, however originating, results in raising a strong presumption of the guilt of the party involved, the court shall institute process, and shall appoint a prosecutor to prepare the indictment and to conduct the case. This prosecutor shall be appointed from the membership of the court, except that, in a case before the Session, he may be any communing member of the same congregation with the accused.

§ 104-3. The original and only parties in a case of process are the accuser and the accused. The accuser is always the Presbyterian Church in the United States, whose honor and purity are to be maintained. The prosecutor is always the representative of the Church, whether he voluntarily brings the charge and is permitted by the court to prosecute it or whether he is a member of the court appointed by the court to act as prosecutor. In appellate courts the parties are known as appellant and appellee.

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§ 104-4. In every case the Church is the injured and accusing party, against the accused. Every indictment shall therefore begin: "In the name of the Presbyterian Church in the United States," and shall conclude, "against the peace, unity, and purity of the Church, and the honor and majesty of the Lord Jesus Christ as the King and Head thereof."

§ 104-5. An injured party shall not become a prosecutor of personal offenses without having tried the means required by Christ for reconciliation and reclaiming an offender: "Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established." (Matthew 18:15-16.) A Church court, however, may judicially investigate personal offenses as if general, when the interests of religion seem to demand it. So, also, those to whom private offenses are known cannot become prosecutors without having previously endeavored to remove the scandal by private means.

§ 104-6. When the offense is general, the case may be conducted either by any person appearing as prosecutor, or by a prosecutor appointed by the court.

§ 104-7. When the prosecution is instituted by the court, the previous steps required by our Lord in the case of personal offenses are not required. There are many cases, however, in which it will promote the interests of religion to send a committee to converse in a private manner with the accused, and endeavor to bring him to a sense of his guilt, before instituting actual process.

§ 104-8. Great caution should be exercised in receiving accusations from any person who is known to have ill will toward the accused; who is not of good character; who is himself under censure or process; who is deeply interested in any respect in the conviction of the accused; or who is known to be litigious, rash, or highly imprudent.

§ 104-9. Every voluntary prosecutor shall be previously warned that if he fails to show reasonable grounds for the charges he

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must himself be censured as a slanderer of the brethren in proportion to the malice or rashness manifested in the prosecution.

§ 104-10. When it is impracticable immediately to commence process against an accused church member, the Session may, if it thinks the edification of the Church requires it, forbid the accused to approach the Lord's Table until the charges against him can be examined.

§ 104-11. After a member of a Church court has been cited for process, all his official functions may be suspended pending the trial at the discretion of the court; but this shall not be done as a censure.

§ 104-12. In any trial neither the accused nor the prosecutor shall perform any function of a voting member of the court.

## CHAPTER 5

*Procedure*

§ 105-1. It is incumbent on every member of a court of Jesus Christ engaged in a trial of offenders, to bear in mind the Biblical injunction: "If a man be overtaken in a fault, ye which are spiritual, restore such an one in the spirit of meekness; considering thyself, lest thou also be tempted." (Galatians 6:1)

§ 105-2. Process against an accused shall not be commenced unless some person or persons undertake to make out the charge; or unless the court finds it necessary, for the honor of religion, itself to take the step provided for in section 104-2.

§ 105-3. When a charge is laid before the Session or Presbytery, it shall be reduced to writing, and, except by consent of parties, the only actions to be taken at the first meeting of the court shall be (1) to appoint a prosecutor, (2) to order the indictment to be drawn and served on the accused, together with a list of witnesses then known to support it, and (3) to cite all parties and their witnesses to appear and be heard at another meeting, which shall not be sooner than ten days after such citation. At this second meeting of the court the charges shall be read to the accused, if

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present, and he shall be called upon to say whether he is guilty or not. If he confesses, the court may deal with him according to its discretion; if he pleads and takes issue, the trial shall proceed. An accused party may request the court for a change in the time of meeting if he is unable to be present and desires to attend personally, or for additional time to prepare his defense if it is necessary. He may plead in writing when he cannot be personally present, and if he is necessarily absent he should have counsel assigned to him.

§ 105-4. The citation shall be issued and signed by the Moderator or Clerk, by the order and in the name of the court. Citations shall be issued in similar fashion to such witnesses as either party may nominate to appear on his behalf.

§ 105-5. In drawing the indictment, the times, places, and circumstances should, if possible, be particularly stated, that the accused may have an opportunity to make his defense. In the discretion of the court the accused may request and obtain a more particularized statement of the charge against him.

§ 105-6. When an accused person refuses to obey a citation, he shall be cited a second time; and this second citation shall be accompanied with a notice that if he does not appear at the time appointed (unless providentially hindered, which fact he must make known to the court), or that if he appears and refuses to plead, he shall be dealt with for his contumacy. If he still refuses to appear or to plead, the court shall enter upon its records the fact, together with the nature of the offense charged, and he shall be suspended from sealing ordinances for his contumacy. The censure may be made public if this is deemed expedient by the court, and it shall not be removed until the offender has not only repented of his contumacy, but has given satisfaction in relation to the charges against him.

§ 105-7. When the censure of Suspension is imposed upon an accused person for his contumacy in refusing to appear or plead, the court will ordinarily proceed no further with the trial. It may, however, if it determines that the circumstances require it, proceed to trial on the merits, despite the wilful absence of the accused person, and impose whatever censure it finds warranted. In

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this event counsel should be appointed to represent the interests of the accused person during the trial.

§ 105-8. The time which must elapse between the serving of the first citation on the accused person, and the meeting of the court at which he is to appear, shall be at least ten days. But the time allotted for his appearance on the subsequent citation shall be left to the discretion of the court, provided that it is not less than is quite sufficient for a seasonable and convenient compliance with the citation.

§ 105-9. When the offense with which an accused person stands charged took place at a distance, and it is inconvenient for the witnesses to appear before the court having jurisdiction, that court may either appoint a commission of its body, or request the proper co-ordinate court to take the testimony for it. The accused shall always have reasonable notice of the time and place of the meeting of this commission or co-ordinate court.

§ 105-10. When an offense, alleged to have been committed at a distance, is not likely otherwise to become known to the court having jurisdiction, it is the duty of the court within whose bounds the offense occurred, after satisfying itself that there is reasonable ground of accusation, to send notice to the court having jurisdiction, which shall at once proceed against the accused; or the whole case may be remitted for trial to the co-ordinate court within whose bounds the offense is alleged to have been committed.

§ 105-11. Before proceeding to trial, courts should ascertain that their citations have been duly served.

§ 105-12. In every process, if the court deems expedient, it may appoint a Judicial Committee, with the duty of digesting and arranging all the papers, and of prescribing under the direction of the court the whole order of the proceedings. The members of this committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the case as members of the court.

§ 105-13. When the trial is about to begin, it is the duty of the Moderator solemnly to announce from the chair that the court is about to pass to the consideration of the case, and to enjoin on



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the members to recollect and regard their high character as judges of a court of Jesus Christ, and the solemn duty in which they are about to engage.

§ 105-14. In order that the trial may be fair and impartial, the witnesses shall be examined in the presence of the accused, or at least after he has received due citation to attend. Witnesses may be cross-examined by both parties, and any questions asked which are pertinent to the issue.

§ 105-15. On all issues arising in the progress of a trial, the parties may present their arguments; and when they have been heard, they may be required to withdraw from the court until the members deliberate upon and decide the point.

§ 105-16. When a court of first resort proceeds to the trial of a case, the following order shall be observed: (1) The Moderator shall charge the court. (2) The indictment shall be read, and the answer of the accused heard. (3) The witnesses for the prosecutor and then those for the accused shall be examined, with either party being entitled to call rebuttal witnesses. (4) The parties shall be heard: first, the prosecutor, and then the accused, and the prosecutor shall close. (5) The prosecutor and accused shall withdraw, the roll shall be called, and the members may express their opinion in the case. (6) The vote shall be taken, the parties recalled, the verdict announced, and judgment entered on the records.

§ 105-17. Either party may, for cause, challenge the right of any member to sit in the trial of the case. The questions of disqualification shall be decided by the members of the court other than the one challenged.

§ 105-18. Before or during the trial of a case, any member of the court who expresses his opinion of its merits to either party, or to any person not a member of the court; or who absents himself from any sitting without the permission of the court or satisfactory reasons rendered, shall be thereby disqualified from taking part in the subsequent proceedings.

§ 105-19. The parties shall be allowed copies of the whole proceedings at their own expense, if they demand them. Minutes of the trial shall be kept by the Clerk, which shall exhibit the

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charges, the answer, all the testimony, and all such acts, orders, and decisions of the court relating to the case, as either party may desire, and also the judgment. The Clerk shall, without delay, attach together the charges, the answer, the citations and returns thereto, and the minutes herein required to be kept. These papers constitute the Record of the Case. [See § 116-5.]

When a case is removed by appeal or complaint, the lower court shall transmit the Record thus prepared to the higher court with the addition of the notice of appeal or complaint, and the reasons thereof. Nothing which is not contained in this Record shall be taken into consideration in the higher court without consent of the parties in the case. On the final decision of a case in a higher court, its judgment shall be sent down to the court in which the case originated.

§ 105-20. No professional counsel shall be permitted as such to appear and plead in trials in any court. But an accused person may, if he desires it, be represented before the Session by any communing member of the same particular church. Before any other court, he may be represented by any member of the court. A member of the court serving in this capacity shall not be allowed to sit in judgment in the case.

§ 105-21. Process, in case of scandal, shall commence within the space of one year after the offense was committed, unless it has recently become flagrant or is of a continuing nature. When, however, a church member commits an offense, after removing to a place far distant from his former residence, and where his connection with the church is unknown, in consequence of which circumstances process cannot be instituted within the time above specified, the recent discovery of the church membership of the individual may be considered as equivalent to the offense itself having recently become flagrant. The same principle, in like circumstances, shall also apply to Ministers.

## CHAPTER 6

*Evidence*

§ 106-1. All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of

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God, or a future state of rewards and punishments. The accused party may be allowed, but shall not be compelled, to testify, and no inference of guilt may be drawn from his failure to testify. The person originating the accusation shall be required to testify, on the demand of the accused. Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency. The court shall also determine the amount of credibility to be attached to all evidence.

§ 106-2. Husbands and wives shall not be compelled to testify against each other.

§ 106-3. A charge may be established only by the testimony of two or more witnesses, or by the testimony of one witness together with corroborative evidence.

§ 106-4. If either party objects, no witness afterwards to be examined shall be present during the examination of another witness on the same case, unless he is a member of the court.

§ 106-5. Witnesses shall be examined first by the party introducing them, then cross-examined by the opposite party. After this any member of the court, or either party, may put additional questions. The Moderator shall rule as to the competency and relevancy of questions asked, subject to an appeal to the court; and the court shall not permit questions frivolous or irrelevant to the charge at issue.

§ 106-6. The oath or affirmation to a witness shall be administered by the Moderator in the following or like terms: "You solemnly promise, in the presence of God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called witness, as you shall answer it to the great Judge of the living and the dead." If, however, any witness for conscientious reasons prefers to swear or affirm in any other manner, he should be allowed to do so.

§ 106-7. Every question put to a witness shall, if required, be reduced to writing. When answered, it shall together with the

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answer be recorded, if deemed by the court or by either party, of sufficient importance, and the testimony of the witness shall be read to him for his approbation and subscription.

§ 106-8. The records of a court, or any part of them, whether original or transcribed, if regularly authenticated by the Moderator and Clerk, or by either of them, shall be deemed good and sufficient evidence in every other court.

§ 106-9. In like manner, testimony taken by one court, and regularly certified, shall be received by every other court as if it had been taken by itself. But the testimony of a witness in a different case in which the accused was not a party and had no opportunity to cross-examine shall not be admitted as evidence of the truth of the matters to which the witness testified.

§ 106-10. When it is not convenient for a court to have all or any part of the testimony in any particular case taken in its presence, a commission may be appointed, or co-ordinate court requested to handle the taking of testimony in question, which shall be considered as if taken in the presence of the court. Due notice of the commission or co-ordinate court and of the time and place of its meeting shall be given to the accused, that he may have an opportunity of attending. And if the accused desires, on his part, to take testimony at a distance, for his own exculpation, he shall give notice to the court of the time and place at which it is proposed to take it that a commission or co-ordinate court may be appointed for the purpose. Or the testimony may be taken on written interrogatories, by filing the same with the Clerk of the court having jurisdiction of the case, and giving two weeks' notice thereof to the adverse party, during which time he may file cross-interrogatories, if such are filed, and no notice need be given of the time and place of taking the testimony.

§ 106-11. A member of the court who has given testimony in a case becomes disqualified from sitting as a member during the remainder of the trial if either party makes objection.

§ 106-12. An officer or private member of the Church who refuses to testify may be censured by the court for contumacy.

§ 106-13. If after trial before any court new testimony is dis-

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covered which the accused believes important, it is his right to ask a new trial and it is within the power of the court to grant his request.

§ 106-14. If in the prosecution of an Appeal, new testimony is offered, which, in the judgment of the appellate court, has an important bearing on the case, it is proper for that court to refer the case to the lower court for a new trial, or, with the consent of parties, to take the testimony and proceed with the case.

## CHAPTER 7

*Process Against a Church Officer*

§ 107-1. Process against any Church officer shall be entered before the Church court which has jurisdiction over him.

§ 107-2. No Church officer should be screened in his sin or slightly censured on account of his office. On the other hand, scandalous charges should not be received against him on slight grounds.

§ 107-3. If anyone knows a Church officer to be guilty of a private offense, he should warn him in private. But if the offense is persisted in, or becomes public, he should bring the matter to the attention of some other appropriate Church officer for his advice.

§ 107-4. If a Church officer accused of an offense, having been twice duly cited, refuses to appear before the court to which he is subject, he shall be immediately suspended. If, after another citation, he still refuses to attend, he shall be deposed as contumacious, and suspended or excommunicated from the Church. Record shall be made of the judgment and of the charges under which he was arraigned, and the sentence shall be made public. The court may also, if it determines that the circumstances are sufficiently unusual to warrant such a procedure, appoint counsel to represent the interests of the accused Church officer and proceed to trial on the merits and impose a suitable censure.

§ 107-5. Heresy and schism may be of such a nature as to warrant Deposition; but errors should be carefully considered,

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whether they strike at the vitals of religion, and are industriously spread, or whether they arise from the weakness of human understanding, and are not likely to do much injury.

§ 107-6. If the Church court finds on trial that the matter complained of amounts to no more than such acts of infirmity as may be amended, so that little or nothing remains to hinder the Church officer's usefulness, it shall take all prudent measures to remove the scandal.

§ 107-7. When a Church officer makes confession pending a trial, if the matter is of a base and shameful character, however penitent he may appear to the satisfaction of all, the court shall, without delay, suspend him from the exercise of his office, or depose him therefrom.

§ 107-8. Whenever a Church officer wilfully and habitually fails to be engaged in the regular discharge of his official functions, it shall be the duty of the court having jurisdiction, at a stated meeting, to inquire into the cause of such dereliction, and, if necessary, to institute judicial proceedings against him for breach of his covenant engagement. In such a case, the Clerk shall, under the order of the court, forthwith deliver to the individual concerned, a written notice that, at the next stated meeting, the question of his being so dealt with is to be considered. This notice shall distinctly state the grounds for this proceeding. The party thus notified shall be heard in his own defense. If the court decides that his neglect proceeds from his want of acceptance to the Church, or from his lack of interest in the work of his office, it may divest him of his office without censure, even against his will, a majority of two-thirds being necessary for this purpose. The Church officer may appeal from this decision as if he had been tried after the usual forms. [See F.G. § 29-8.]

§ 107-9. A Minister suspended or deposed for scandalous conduct shall not be restored, even on the deepest sorrow for his sin, until he exhibits for a considerable time such an eminently exemplary, humble, and edifying walk and conversation as to heal the wound made by his scandal. And a deposed Minister shall in no case be absolved until it appears that the general sentiment of the Church is in his favor, and demands the removal of his



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Deposition; and then only by the court inflicting the censure, or with its consent.

§ 107-10. When a Minister is deposed or divested of office without censure, his church shall be declared vacant; but when he is suspended from office, it shall be left to the discretion of the Presbytery whether the censure includes the dissolution of the pastoral relation.

§ 107-11. When a Presbytery divests a Minister of his office without censure, or deposes him without Excommunication, it shall assign him to membership in some particular church, subject to the approval of the Session of that church.

§ 107-12. The status of a Minister who has been divested of his office without censure and assigned to membership in a particular church shall be the same as that of any other member. If he desires to re-enter the Ministry he shall proceed by seeking to place himself under care of Presbytery, in accordance with the procedure set out in chapter 24 of the Form of Government. Before receiving him the Presbytery shall also make careful inquiry into his Christian character, his previous record as a Minister, and his motives for seeking to re-enter the Ministry. If satisfied as to these matters the Presbytery may receive him under its care. When he has received a call to a definite work, the Presbytery may, if it seems wise, ordain him, following the procedure set out in Chapter 27 of the Form of Government.

## CHAPTER 8

*Infliction of Church Censures*

§ 108-1. When any member or officer of the Church is found guilty of an offense the court shall proceed with all tenderness and shall deal with its offending brother in the spirit of meekness, the members considering themselves lest they also be tempted.

§ 108-2. Church censures and the modes of administering them should be suited to the nature of the offenses. For private offenses censure should be administered in the presence of the court alone,

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or in private by one or more members of the court. For public offenses, the degree of censure and mode of administering it are within the discretion of the court, acting in accordance with paragraphs below which deal with particular censures. If the charge against a church member is one of gross crime or heresy, and the accused persists in his contumacy, the court may proceed to inflict the highest censure.

§ 108-3. The censure of Admonition should be administered in private by one or more members of the court if the offense is known only to a few and is not aggravated in character. If the offense is public, the Admonition should be administered by the Moderator in the presence of the court and may also be announced in public if the court deems it expedient.

§ 108-4. The censure of definite Suspension should be administered in the presence of the court alone, or in open session of the court, as it may deem best, and public announcement thereof shall be made at the court's discretion.

§ 108-5. The censure of indefinite Suspension should be administered after the manner prescribed for definite Suspension, but with added solemnity, that it may be the means of impressing the mind of the offender with a proper sense of his danger, and, under the blessing of God, of leading him to repentance. When the court has resolved to pass this sentence, the Moderator shall address the offending brother to the following purpose:

"WHEREAS, You, A. B. (here describe the person as a Minister, Ruling Elder, Deacon, or private member of the church), are convicted by sufficient proof [or, are guilty by your own confession] of the sin of——(here insert the offense), we, the Presbytery [or, Session] of C. D., in the name and by the authority of the Lord Jesus Christ, do now declare you suspended from the Sacraments of the Church [or, from the exercise of your office; or, from the Sacraments of the Church and from the exercise of your office] until you give satisfactory evidence of your repentance."

To this shall be added such advice or admonition as may be judged necessary, and the whole pronouncement shall be concluded with prayer to Almighty God that he follow this act of discipline with his blessing.

§ 108-6. The censure of Excommunication may be administered

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in the presence of the court alone, or in open session of the court, or in public, as the court may decide. In administering this censure the Moderator of the Session [or of the Presbytery] shall make a statement of the several steps which have been taken with respect to the offending brother, and of the decision to cut him off from the communion of the Church. He shall then show, from Matthew 18:15-18 and I Corinthians 5:1-5, the authority of the Church to cast out unworthy members, and shall explain the nature, use, and consequences of this censure. He shall then administer the censure in the words following:

"WHEREAS, A. B., a member of this Church, has been, by sufficient proof, convicted of the sin of——, and after much admonition and prayer, obstinately refuses to hear the Church, and has manifested no evidence of repentance: Therefore, in the name and by the authority of the Lord Jesus Christ, we, the Session of the Church of C. D. [or the Presbytery of E. F.], do pronounce him to be excluded from the Sacraments, and cut off from the fellowship of the Church."

Prayer shall then be made that by God's blessing this solemn action of the court may issue in the repentance and restoration of the offender, and in the establishment of all true believers.

§ 108-7. The censure of Deposition shall be administered by the Moderator in the words following:

"WHEREAS, A. B., a Minister of this Presbytery [or a Ruling Elder, or Deacon, of this church], has been proved, by sufficient evidence, to be guilty of the sin of——, we the Presbytery [or Session] of C. D., do adjudge him disqualified for the office of Minister of the Word and Sacraments [or Ruling Elder, or Deacon], and therefore we do hereby, in the name and by the authority of the Lord Jesus Christ, depose from the office of Minister [or Ruling Elder, or Deacon] the said A. B., and do prohibit him from exercising any of the functions thereof." If the censure includes Suspension or Excommunication, the Moderator shall proceed to say: "We do, moreover, by the same authority, suspend the said A. B. from the Sacraments of the Church, until he shall exhibit satisfactory evidence of sincere repentance," or "exclude the said A. B. from the Sacraments, and cut him off from the fellowship of the Church."

The sentence of Deposition should be inflicted with solemnities similar to those prescribed in the case of Excommunication.

## CHAPTER 9

*Removal of Censure*

§ 109-1. After any person has been suspended from the Sacraments or from office, it is proper that the rulers of the Church frequently converse with him as well as pray with him and for him, that it may please God to give him repentance.

§ 109-2. When the court is satisfied as to the reality of the repentance of a suspended offender, he shall be allowed to profess his repentance, either in the presence of the court alone, or publicly, and be restored to the Sacraments of the Church, and to his office, if this is the judgment of the court. The restoration shall be declared to the penitent in words of the following import:

"WHEREAS, You, A. B., have been debarred from the Sacraments of the Church [or, from the office of Minister, or Ruling Elder, or Deacon; or, from the Sacraments of the Church and from the office of Minister, or Ruling Elder, or Deacon], but now have manifested such repentance as satisfies the Church, we, the Session [or Presbytery] of C. D., do hereby in the name and by the authority of the Lord Jesus Christ absolve you from the said sentence of Suspension, and do restore you to the full communion of the Church [or, to the exercise of your office, and all the functions thereof; or, to the full communion of the Church and to the exercise of your office, and all the functions thereof]."

After this there shall be prayer and thanksgiving.

§ 109-3. When an excommunicated person is so affected with his state as to be brought to repentance, and to desire to be readmitted to the communion of the Church, the court, having obtained sufficient evidence of sincere repentance, shall proceed to restore him. This may be done in the presence of the court or of the congregation, as seems best to the court. When there has been a public censure, restoration should ordinarily be public also.

On the day appointed for his restoration, the Minister shall call upon the excommunicated person, and propose to him in the presence of the court, or of the congregation, the following questions:

"Do you, from a deep sense of your great wickedness, freely con-



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fess your sin in thus rebelling against God, and in refusing to hear his Church; and do you acknowledge that you have been in justice and mercy cut off from the communion of the Church?"

Answer: "I do."

"Do you now voluntarily profess your sincere repentance and contrition for your sin and obstinacy; and do you humbly ask the forgiveness of God and his Church?"

Answer: "I do."

"Do you sincerely promise, through divine grace, to live in all humbleness of mind and circumspection; and to endeavor to adorn by a holy life the doctrine of God our Saviour?"

Answer: "I do."

Here the Minister shall give the penitent a suitable exhortation, encouraging and comforting him. Then he shall pronounce the declaration of restoration in the following words:

"WHEREAS, You, A. B., have been shut out from the communion of the Church, but have now manifested such repentance as satisfies the Church; in the name of the Lord Jesus Christ, and by his authority, we, the Session of this Church, do declare you absolved from the sentence of Excommunication formerly pronounced against you; and we do restore you to the communion of the Church, that you may be a partaker of all the benefits of the Lord Jesus to your eternal salvation."

The whole procedure shall be concluded with prayer and thanksgiving.

§ 109-4. The removal of censure from a deposed officer, after confession has been made in a manner similar to that prescribed in the case of the removal of censure from an excommunicated person, shall be announced to him by the Moderator in the following form, namely:

"WHEREAS, You, A. B., formerly a Minister of this Presbytery [or a Ruling Elder, or a Deacon of this church], have been deposed from your office, but have now manifested such repentance as satisfies the Church; in the name of the Lord Jesus Christ, and by his authority, we, the Presbytery of . . . . . [or the Session of this church], do declare you absolved from the said sentence of Deposition formerly pronounced against you; and we do furthermore declare you eligible for attaining again to your said office, and to the exercise of all the functions thereof, whenever you may be orderly called thereto and ordained."

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After this there shall be prayer and thanksgiving, and the members of the court shall extend to him the right hand of fellowship.

§ 109-5. A Ruling Elder or Deacon whose censure of Deposition has been removed, cannot resume the exercise of his office in the church without re-election by the people and ordination in the office.

§ 109-6. When a person under censure removes to a part of the country remote from the court by which he was sentenced, and desires to profess repentance and obtain restoration, the court may, if it deems expedient, transmit a certified copy of its proceedings to the Session (or Presbytery) where the offender resides, which shall take up the case and proceed with it as though it had originated there.

§ 109-7. In the restoration of a Minister who has been suspended, the Presbytery should proceed with great caution. Its first step is to admit him to the Sacraments if he has been debarred from them. Afterwards, it may grant him the privilege of preaching on probation for a time, so as to test the sincerity of his repentance and the prospect of his usefulness. When satisfied in these respects, the Presbytery may take steps to restore him to his office. But the case shall remain under judicial consideration until a declaration of restoration has been pronounced.

§ 109-8. When a Minister has been deposed from office, the Presbytery should proceed with the greatest caution. After first admitting him to the Sacraments, if he has been debarred from them, it may remove the censure of Deposition. Thereafter, if he desires to re-enter the Ministry, he shall follow the procedure set forth in chapters 24 and 27 of the Form of Government. Before receiving him under its care as a candidate and before ordaining him, the Presbytery shall inquire particularly into his previous record as a Minister and his motives for seeking to re-enter the Ministry.



## PART IV

## Procedural Rules for Informal Disposition (Cases without Process)

## CHAPTER 10

*Confession*

§ 110-1. When any person comes forward of his own accord and makes his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process or formal trial. Judgment shall be rendered in the same fashion upon a person against whom charges are pending but who desires to acknowledge his guilt without submitting to formal trial.

## CHAPTER 11

*Renouncing the Jurisdiction of the Church*

§ 111-1. If a communing member of the church against whom no charges are pending requests the Session to remove his name from the church roll or to transfer it to the roll of non-communing members, the Session has authority to grant the request. This action may be announced to the congregation if this seems wise and proper. The transfer, however, should not be made until the Session, after inquiry and due delay, is of the judgment that the request does not spring from temporary doubt or special temptation.

§ 111-2. When a church member renounces the communion of this Church by joining some other Church, if he is in good standing, the irregularity shall be recorded, and his name erased. If charges are pending against him, they shall be communicated to the Church which he has joined.

§ 111-3. When a Church officer, whether Minister, Ruling Elder, or Deacon, renounces the communion or authority of this Church

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by a statement or by joining some other Church recognized by our own as a true branch of the Church of Christ, the court having jurisdiction shall record the irregularity and withdraw from him all authority to exercise office derived from this Church. If charges are pending against him, the court shall communicate to the Church the officer has joined a full statement of the charges pending. When a Church officer renounces the communion of this Church by affiliating himself with some organized religious body which is heretical or schismatic, the court having jurisdiction shall make a full record of the irregularity, and declare that he is divested of his office in the Church and no longer possesses any rights or authority pertaining thereto, and that he no longer has the privilege of coming to the Lord's Table in this communion.

§ 111-4. A Church officer who has renounced the jurisdiction of this Church and who desires to be restored shall apply to the same Church court under whose jurisdiction he was when his relationship with this communion was severed. The court shall hear him, and, if satisfied, may restore his membership. In the case of a former Minister, the Presbytery shall assign him to membership in some particular church subject to the approval of the Session of that church. Restoration to office in the Church can be accomplished only by passing through all the steps necessary for a man's being called to office in the Church for the first time, including ordination.

## CHAPTER 12

*Divesting of Office on Request*

§ 112-1. A Church officer against whom there are no charges, if he is fully satisfied in his own conscience that God has not called him to the office, or if he has satisfactory evidence of his inability to serve the Church with acceptance, may report these facts at a stated meeting of the court having jurisdiction over him. At the next stated meeting, if, after full deliberation, the court concurs with him in judgment, it may divest him of his office without censure.

## PART V

## Appellate Jurisdiction

## CHAPTER 13

*Modes by Which the Proceedings of a Lower Court Come Before a Higher Court*

§ 113-1. The acts and decisions of a lower court are brought under the supervision of a higher court in one of the following modes: (1) Review and Control; (2) Reference; (3) Appeal; (4) Complaint.

§ 113-2. When the proceedings of a lower court are before a higher court the members of the lower court do not lose the right to sit, deliberate, and vote in the higher court, except in cases of Appeal or Complaint.

## CHAPTER 14

*General Review and Control*

§ 114-1. It is the right and duty of every court above the Session to review, at least once a year, the records of the court next below, and if any lower court fails to present its records for this purpose, the higher court may require them to be produced either immediately or at any time fixed by the higher court.

§ 114-2. In reviewing records of a lower court the higher court is to examine: (1) Whether the proceedings have been correctly recorded; (2) whether they have been regular and in accordance with the Constitution; (3) whether they have been wise, equitable, and suited to promote the welfare of the Church; (4) whether the lawful injunctions of the higher court have been obeyed.

§ 114-3. It is ordinarily sufficient for the higher court merely to record in its own minutes and in the records reviewed, whether it approves, disapproves, or corrects the records in any particular;

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but if any serious irregularity is discovered the higher court may require its reconsideration and correction by the lower court.

§ 114-4. Proceedings in judicial cases, however, are not dealt with under review and control when notice of Appeal or Complaint has been given the lower court; and no judgment of a lower court in a judicial case shall be reversed except by Appeal or Complaint.

§ 114-5. If a court neglects to perform its duty, with the result that heretical opinions or corrupt practices are allowed to gain ground, or offenders of a very gross character are suffered to escape, or some circumstances in its proceedings of great irregularity are not distinctly recorded, its records may not exhibit to the higher court a full view of its proceedings. When, therefore, the next higher court is advised that any such neglect or irregularity has occurred on the part of the lower court, it should take cognizance thereof, and examine, deliberate, and judge in the whole matter as completely as if it had been recorded, and thus brought up by the review of the records.

§ 114-6. When any court having appellate jurisdiction is advised, either by the records of the court next below or by memorial, either with or without protest, or by any other satisfactory method, of any important delinquency or grossly unconstitutional proceedings of the lower court, it shall cite the lower court to appear by representative or in writing, at a specified time and place, and to show what it has done or failed to do in the case in question. As circumstances require, the court thus issuing the citation may (1) reverse or redress the proceedings of the court below in matters other than judicial cases, or (2) censure the delinquent court, or (3) remit the whole matter to the delinquent court, with an injunction to take it up and dispose of it in a constitutional manner, or (4) stay all further proceedings in the case.

§ 114-7. In process against a lower court, the trial shall be conducted according to the rules provided for process against individuals, so far as they may be applicable.

## CHAPTER 15

*References*

§ 115-1. A Reference is a written representation and application made by a lower court to a higher court for advice or other action on a matter pending before the lower court, and is ordinarily to be made to the next higher court.

§ 115-2. Among proper subjects for Reference are matters which are new, delicate, or difficult; or which have produced a serious division among the members of the lower court; or which relate to questions involving the Constitution and legal procedure respecting which the lower court feels the need of guidance.

§ 115-3. In making a Reference the lower court may ask either for advice or for final disposition of the matter referred. In particular it may refer a judicial case with request for its trial and decision by the higher court.

§ 115-4. A Reference may be presented to the higher court by one or more representatives appointed by the lower court for this purpose, and it should be accompanied with so much of the record as is necessary for proper understanding and consideration of the matter referred.

§ 115-5. Although References are sometimes proper, yet in general it is better that every court should itself discharge the duty assigned it under the law of the Church. A higher court is not required to accede to the request of the lower court, but it should ordinarily give advice when so requested.

§ 115-6. When a court makes a Reference, it should have all the testimony and other documents duly prepared, produced, and in perfect readiness, so that the higher court may be able fully to consider and issue the case with as little difficulty or delay as possible.

## CHAPTER 16

*Appeals*

§ 116-1. An Appeal is the transfer to a higher court of a judicial case on which judgment has been rendered in a lower court, and is allowable only to the accused party. [See § 107-8.] The parties shall be known as the appellant and appellee. An Appeal cannot be made to any court other than the next higher, except with its consent.

§ 116-2. Only those who have submitted to a regular trial are entitled to an Appeal. Those who have not submitted to a regular trial are not entitled to an Appeal.

§ 116-3. The grounds of Appeal include such matters as the following: any irregularity in the proceedings of the lower court; impairment of procedural rights; refusal of reasonable indulgence to a party on trial; receiving improper, or declining to receive proper, evidence; rendering a decision before all the testimony is taken; manifestation of bias or prejudice in the case; and manifest injustice in the judgment or censure. To sustain an Appeal the ground must be not a mere technicality but must involve real harm to the appellant's case.

§ 116-4. Written notice of Appeal, with the reasons supporting it, shall be given the court before it adjourns, or shall within ten days thereafter be filed with the Moderator or Clerk of the court.

§ 116-5. The appellant shall lodge his appeal and the reasons therefor with the Clerk of the higher court at least three days before the opening of its sessions. It is the duty of the Clerk of the lower court to file with the Clerk of the higher court by the same time a copy of all the proceedings in connection with the case, including the notice of Appeal and reasons therefor, the evidence, and any papers bearing on the case. These constitute the Record of the Case, and the higher court shall not admit or consider anything not found in this Record without consent of the parties in the case. [See § 105-19.] An appellant to the General Assembly shall lodge his appeal and the reasons therefor with the Clerk of the General Assembly by February 1st in order to permit time for a proper hearing of the case by the Permanent Judicial Com-



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mission prior to the meeting of the General Assembly of that year.

§ 116-6. Notice of Appeal ordinarily has the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court. If, however, the censure is Suspension or Excommunication from the sealing ordinances, or Deposition from office, the court from which the case has come may, for sufficient reasons duly recorded, put the censure into effect until the case is finally decided.

§ 116-7. After a higher court has decided that an Appeal is in order and should be entertained by the court, the following procedure should be followed: (1) The complete Record of the Case shall be read, except any part of it that may be omitted by consent of the parties and the court itself; (2) the parties shall be heard, the appellant having the right of opening and closing the argument; (3) opportunity shall be given the members of the appellate court to express their opinions; (4) the vote shall then be taken on each specification, in this form: "Shall this specification of error be sustained?" If the court deems it wise, it may adopt a minute explanatory of its action which becomes a part of its Record in the Case.

§ 116-8. The decision of the higher court may be to confirm or to reverse, in whole or in part, the judgment of the lower court; or to remit the case to a lower court for the purpose of amending the Record, if it appears incorrect or defective; or to send the case back for a new trial. In every case a full Record shall be made, and a copy of it shall be sent to the lower court.

§ 116-9. An Appeal will be treated as abandoned, if the appellant does not appear before the higher court in person, or by counsel, at its meeting next following the date of his notice of Appeal; and the judgment of the lower court will stand, unless the appellant gives the court satisfactory explanation of his failure to appear and prosecute the Appeal. [See F.G. § 20-2, 5, 8.]

§ 116-10. If an appellant manifests a litigious or otherwise unchristian spirit in the prosecution of his Appeal, he shall receive a suitable rebuke by the appellate court.

§ 116-11. If a lower court neglects to send up the Record of the Case, or any part of it, to the injury of the appellant, it shall re-

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ceive a proper rebuke from the higher court, and the judgment from which the Appeal has been taken shall be suspended until an adequate Record is produced upon which the issue can be fairly tried.

## CHAPTER 17

*Complaints*

§ 117-1. A Complaint is a written representation made to a higher court against some act or decision of a lower court, or made to the appointing court against some act or decision of a Commission.

It is the right of any communing member of the Church in good standing to make Complaint against any action of a lower court, or of a Commission of such court, to whose jurisdiction he is subject, except a decision in a judicial case in which an Appeal is taken.

A Complaint against a Commission action must go to the appointing court, which may hear the matter in the presence of the whole court or may make of it a Reference to the next higher court. A Complaint against an action taken by a court itself must go to the next higher court. No Complaint can be taken against the action of the General Assembly or of a Commission appointed by it.

§ 117-2. Notice of Complaint shall not have the effect of suspending the action against which the Complaint is made, unless one third of the members present when the action was taken shall vote for its suspension until the final decision in the higher court.

§ 117-3. The court against which Complaint is made shall appoint one or more representatives to defend its action, and the parties in the case are designated as complainant and respondent.

§ 117-4. The provisions relating to an Appeal found in sections 116-3, 116-4, 116-5, 116-7, 116-9, 116-10, and 116-11 shall apply to a Complaint.

§ 117-5. The higher court has power, in its discretion, to annul the whole, or any part, of the action of a lower court against

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which Complaint has been made, or to send the matter back to the lower court with instructions for a new hearing.

§ 117-6. In voting upon a Complaint, the vote shall be either to sustain, to sustain in part, or not to sustain.

§ 117-7. The effect of a vote to sustain shall be to sustain each of the items or counts of the Complaint; that of a vote not to sustain shall be to annul each of the items or counts of the Complaint; and that of a vote to sustain in part shall be to sustain one or more specific items or counts of the Complaint.

§ 117-8. Those voting to sustain in part shall be required when voting to state what item or items, count or counts, of the Complaint they desire to sustain.

§ 117-9. In making up the vote on the Complaint only those items or counts shall be declared to be sustained for the sustaining of which a majority of the votes cast has been given.

## PART VI

## Miscellaneous

## CHAPTER 18

*Decision by an Administrative Commission  
or by a Judicial Commission*

§ 118-1. In accordance with the provisions of Chapter 19 of the Form of Government, a Presbytery or Synod may appoint Administrative Commissions and Judicial Commissions.

§ 118-2. Commissions of either sort shall submit a full Record to the court. [See § 105-19.] The Commission's minutes, including its decisions on the matter, shall be entered on the minutes of the court at its next session. If no Complaint has been filed, this shall be the action and judgment of the court itself. The remainder of the Record of the matter shall be preserved by the Stated Clerk of the court.

§ 118-3. The decision of a Commission shall take effect on the date the Record is filed with the Stated Clerk of the court. On reaching its decision, the Commission shall promptly inform the parties and let them know the date on which the Record will be filed with the Clerk.

§ 118-4. Notice of Appeal or notice of Complaint, either by a party in the matter or by a member of the Commission, must be given within ten days from the date the Record is filed with the Clerk, and must be given to both the Clerk of the court and to the Chairman of the Commission.

§ 118-5. Such notice of Complaint may contain a request that the effect of the decision be suspended until the Complaint is heard. In such case the decision is automatically suspended until the Commission can meet and vote on the request. Such a meeting of the Commission must be held as soon as practicable. If one-third of the members of the Commission present when the action was taken shall vote to suspend the effect of the decision, it shall be suspended until the court hears and determines the case.

## CHAPTER 19

*Minority Opinions*

§ 119-1. A Dissent is a declaration on the part of one or more members of a minority in a court, expressing a different opinion from that of the majority in a particular case. A Dissent unaccompanied with reasons shall be entered in the records of the court.

§ 119-2. A Protest is a more solemn and formal declaration by one or more members of a minority, bearing their testimony against what they deem an unwise or erroneous judgment, and is generally accompanied with a statement of the reasons on which it is founded.

§ 119-3. If a Protest or Dissent is couched in temperate language, and is respectful to the court, it shall be recorded. The court may, if it wishes, put an answer to the Protest on the records along with it. Here the matter shall end, unless the parties protesting obtain permission to withdraw their Protest absolutely, or to amend it.

§ 119-4. The only persons who can join in a Protest against a decision of any court are those who had a right to vote in the case.

THE DIRECTORY FOR THE WORSHIP  
AND WORK OF THE CHURCH



## The Directory for the Worship and Work of the Church\*



### Preface

#### THE SERVICE OF GOD

God, who chose us to be his people, calls us to serve him through worship and work. Therefore the Church must examine its common life, and Christians their private lives, to the end that all may live as servants of God obeying his commands.

#### I

Christian worship depends upon and is a response to the presence of God, the Father, Son, and Holy Spirit, and to what God has done for us and for our salvation, which we acknowledge by acts of adoration, confession, thanksgiving, petition, and obedience.

The Church worships as believers, sharing a common life of faith, hope, love and commitment, assemble in common public worship. Christians worship God privately as individuals and as families. We worship always as members of the Body of Christ.

#### II

The work of the Church is a response to God's grace and is done in obedience to the will of God as this will is made known in Scripture. It is expressed in proclamation of and witness to the Word of God, and in deeds of love and mercy. Through this service Christians seek the fulfillment of the divine purposes in society and history.

#### PART I

### The Worship of God

#### A. The Worship of God Through Word and Sacrament

\* Approved and enacted by the General Assembly, April 30, 1963.

#### § 201-1

#### CHAPTER 1

##### *The Lord's Day, A Holy Day*

§ 201-1. From the days of the Apostles, Christians have observed the first day of the week as the Christian Sabbath because on it our Lord Jesus Christ was raised from the dead.

§ 201-2. God has appointed one day in seven to be kept holy to the Lord, and to be used for his glory. The people are to abstain from all unnecessary labor, and from recreation which violates or interferes with the character of the day. In the observance of the day Christians are to be guided by the Word of God as illumined by the Holy Spirit and as interpreted by the Standards of this Church.

§ 201-3. All Christians are to prepare for the approach of this day. They should so arrange their affairs and so use their influence that no one will be kept unnecessarily from the public worship of God and the proper use of the Lord's Day. Each church should provide for the worship and spiritual welfare of those whose affairs prevent their participation in the regular services of the Lord's Day.

§ 201-4. It is the privilege and obligation of all the people of God on the Lord's Day to participate in the public worship of God.

§ 201-5. No one shall be excluded from participation in public worship in the Lord's house on the grounds of race, color, or class.

#### CHAPTER 2

##### *The Ordering of Public Worship*

§ 202-1. God has ordained that he be publicly worshipped by his people through music and singing, prayer, the reading of Holy Scripture, the preaching of the Word of God, the making of offerings, and the administering of the Sacraments of Baptism and of the Lord's Supper.

§ 202-2. The Church does not prescribe the sequence of these acts of worship. The Pastor, in consultation with the Church Session, has the responsibility for sequence and proportion of the various parts of public worship. The Pastor and Session shall be

mindful of Scriptural guidance for worship, of the heritage of the Presbyterian Church, of the needs and particular circumstances of the congregation, and of the provisions of this Directory for Worship.

§ 202-3. It is appropriate that the worship of the Church provide occasion for recalling the birth of our Lord Jesus Christ, his death, resurrection, ascension and coming again, and the sending of the Holy Spirit. It is also fitting that such days be celebrated as recall the heritage of the Church, proclaim its mission, and forward its work.

### CHAPTER 3

#### *The Assembling of the Congregation and Their Behavior During Common Worship*

§ 203-1. The worship of God requires preparation by prayer, meditation, study of the Bible and physical rest, so that body and mind may be alert to the privileges and responsibilities of the Lord's Day. Church members are specially enjoined to pray for the Minister and to ask God's blessing on the congregation.

§ 203-2. In response to the call of God, the people are to assemble at the appointed time, that all being present at the beginning they may unite with one heart in all the parts of public worship. No one should leave until after the benediction.

§ 203-3. The people are to enter the Lord's house, be seated in a reverent manner, and engage in silent prayer for a blessing upon themselves, the Minister, and all present, as well as upon those who are kept from the place of worship.

§ 203-4. All who attend public worship are to participate with reverence and godly fear, forbearing to engage in any conduct unbecoming to the place and occasion. Children should sit with their families so that they may worship together.

### CHAPTER 4

#### *The Public Reading and Hearing of the Holy Scripture*

§ 204-1. The reading and hearing of the Holy Scripture in the congregation is a part of the public worship of God. The reading

should be done by the Pastor or some person properly invited.

§ 204-2. The Pastor shall have discretion in the choice of Scripture and in the length of the passage read. He should exercise care to the end that over a period of time the people shall hear the full message of Scripture.

### CHAPTER 5

#### *The Singing of Psalms and Hymns and the Music of Public Worship*

§ 205-1. Christians are to praise God by singing psalms and hymns, publicly in the church.

§ 205-2. Psalms and hymns are prayers and praises of the congregation. The congregation should be informed as to the content of the songs of worship so that they may be sung with understanding. Church music should be subservient to the purpose of worship and subject to the rule that in worship we offer God our best gifts.

§ 205-3. The Session has responsibility for the choir, the persons leading music, and the necessary provisions and arrangements which the full participation of the congregation in this worship requires. Choirs and musical instruments are aids to, not substitutes for, the participation of the congregation.

### CHAPTER 6

#### *Public Prayer*

§ 206-1. The leadership of public prayer in the worship of the congregation is ordinarily the duty of a Minister. He may upon occasion invite other persons to lead in prayer.

§ 206-2. Ministers are not to be confined to fixed forms of prayer for public worship. Yet it is the duty of the Minister, previous to entering upon his office, to prepare and qualify himself for this part of his work, as well as for preaching. He should by a life of communion with God, by a thorough acquaintance with the Holy Scriptures, by the study of the best writers on prayer, and by meditation endeavor to acquire the gift of prayer. Moreover, when he is to offer prayer in public worship, he should compose his spirit and so order his thoughts that he may perform

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## § 206-3

this duty with dignity and propriety, and with profit to the worshippers, lest he degrade this important service.

§ 206-3. The posture of the people in public prayer should always be reverent.

§ 206-4. Public prayer should embrace the following elements: adoration, thanksgiving, confession, supplication, and intercession.

§ 206-5. The Minister shall determine the emphasis which is to be given to these various elements of prayer within the order for public worship. He shall strive to express in prayer the particular needs of that congregation whose worship he leads.

§ 206-6. In *Adoration* the people are to adore the glory and perfection of God as they are made known in his works of creation and providence, in the clear and full revelation he has made in Jesus Christ, and in the work of the Holy Spirit.

In *Thanksgiving* the people are to offer gratitude and praise to God for all his mercies, general and particular, spiritual and temporal; above all, for Christ Jesus, Savior and Lord, and for the life eternal which is in him.

In *Confession* the people are humbly to acknowledge unto God their sinfulness in nature and in act, and their sins both of omission and of commission, with a deep sense of the evil of all sin committed against God, our neighbor, and ourselves. They shall ask forgiveness through Jesus Christ. The confession should be concluded by the Minister's affirming the assurance of pardon through Jesus Christ as promised in Holy Scripture.

In *Supplication* the people are to ask earnestly through Jesus Christ for the outpouring of the Holy Spirit, for peace with God accompanied by all the fruits of that peace, for abundant supplies of the grace necessary to enable them to be obedient unto God, for support and comfort under trials, and for needed temporal blessings.

In *Intercession* the people are to offer petition on behalf of others: for the visible kingdom of Christ, his Church Universal; for the interest and welfare of human society; and for all to whom God has given civil authority.

§ 206-7. The prayer which Christ taught his disciples should be used in the public prayers of the congregation.

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## § 207-1

## CHAPTER 7

*The Preaching of the Word*

§ 207-1. The preaching of the Word is an ordinance of God for the salvation of men. The Minister should diligently apply himself to preaching, and prove himself a workman who needs not to be ashamed, rightly interpreting the Word of truth.

§ 207-2. The purpose of preaching is to set forth the teachings of the Scriptures and their proper application to the needs of the people. For this reason the sermon must be a responsible proclamation of the Biblical message spoken to contemporary life.

§ 207-3. Preaching requires study, meditation and prayer. Ministers should prepare their sermons with care, and not indulge themselves in loose, extemporary harangues, nor serve God with that which costs them nothing. They should keep to the simplicity of the Gospel and express themselves in language that can be understood by all. They should also by their lives adorn the Gospel which they preach and be examples to believers in word and deed.

§ 207-4. Public worship is not complete without the preaching of the Word, but the sermon should not obscure the significance of the other elements of worship.

§ 207-5. No person shall be permitted to preach in any church except by invitation from both Pastor and Session, unless sent by the Presbytery. If there is no Pastor, the Session's invitation is sufficient.

## CHAPTER 8

*The Worship of God by Offerings*

§ 208-1. The Holy Scriptures teach that God is the owner of all persons and all things, and that we are but stewards of both life and possessions; that God's ownership and our stewardship should be acknowledged; that this acknowledgment should take the form, in part, of giving a worthy proportion of our income to the Church of Jesus Christ, thus worshipping the Lord with our possessions; and that the remainder should be used in a manner becoming to Christians.

§ 208-2. A time should be appointed in the order of public



worship for receiving, with appropriate prayer, the offerings of the people.

## CHAPTER 9

### *The Sacrament of Baptism*

§ 209-1. The Sacrament of Baptism may be administered only by an ordained Minister of the Word.

§ 209-2. It is the obligation and privilege of parents to present their children for baptism, thereby claiming God's covenant promises to believers and their children. The baptism of infants is not to be unnecessarily delayed.

§ 209-3. Baptism of infants takes place only within the fellowship of the Christian Church. For this reason the child to be baptized must be presented by one or both believing parents, or, in the absence of such parent, by some believing person responsible for the child, who signifies his desire that the child be baptized and who assumes responsibility for the child's Christian nurture and rearing in the fellowship of the Christian Church. Likewise, baptism ought to be administered only in the presence of the congregation which pledges itself as the child's sponsor to the end that the child may confess Jesus Christ as Lord and Savior. If, in the judgment of the Minister, it should be necessary for baptism to be administered outside the presence of the congregation, the congregation should be represented by at least one member of the Session in addition to the Minister.

§ 209-4. Baptism of infants should be preceded by appropriate words of instruction as to the institution and meaning of the Sacrament. It is fitting that congregation and parents should confess the faith in which the child is baptized, using a proper symbol, such as the Apostles' or Nicene Creed. The congregation in an appropriate manner should signify assumption of responsibility for the Christian nurture of the child. The parents should likewise acknowledge their obligation. The charge to parents and congregation should be specific, placing emphasis upon instruction in the Bible and doctrine of the Church, the Christian life of the family, and the fellowship and mission of the Church.

§ 209-5. The Minister shall propose to the parents the following or like questions:

- (1) Do you acknowledge your child's need of the cleansing

blood of Jesus Christ, and the renewing grace of the Holy Spirit?

(2) Do you claim God's covenant promises in (his) behalf, and do you look in faith to the Lord Jesus Christ for (his) salvation, as you do for your own?

(3) Do you now unreservedly dedicate your child to God, and promise, in humble reliance upon divine grace, that you will endeavor to set before (him) a Godly example, that you will pray with and for (him), that you will teach (him) the doctrines of our holy religion, and that you will strive, by all the means of God's appointment, to bring (him) up in the nurture and admonition of the Lord?

The Minister shall then propose to the congregation the following or like question:

Do you, in the name of the Church, undertake responsibility for the Christian nurture of this child?

§ 209-6. Then the Minister shall pray for a blessing to attend this ordinance after which, calling the child by his full name, he shall say:

Child of the Covenant, I baptize thee in the name of the Father, and of the Son, and of the Holy Spirit.

As he pronounces these words, he shall baptize the child with water, by pouring or sprinkling it on the head of the child, without adding any other ceremony.

§ 209-7. The Minister shall declare that the child who has been baptized is a member of the household of faith and that the parents and the congregation are to provide spiritual nurture for him in faith that God will bring him to confess Jesus Christ as Lord and Savior.

§ 209-8. The service is to be concluded with an appropriate prayer for the child and for all the children and families of the congregation.

§ 209-9. Persons not already baptized shall be baptized upon their profession of faith, and admitted to the Church and its privileges, including participation in the Lord's Supper.

## CHAPTER 10

*Profession of Faith and Admission to the Lord's Table*

§ 210-1. Children born within the Church are under the care of a particular church. They are to be taught to love God, and to obey and serve the Lord Jesus Christ. When they come to years of discretion they should be earnestly reminded by parents and Church Session that they are members of the Church by birthright, and that it is their duty and privilege personally to profess before men their faith in Christ and to seek admission to the Lord's Table and enrollment as communing members in a particular church.

§ 210-2. The time when young persons come to years of discretion is not precisely fixed. It is left to the prudence of the Session to judge, after careful examination, the faith in and commitment to Christ on the part of those who apply for admission to the Lord's Table. Instruction should be given in the faith of the Church especially as contained in the Larger and Shorter Catechisms. Knowledge and understanding of the Lord's Prayer, the Apostle's Creed, the Ten Commandments and the Sacraments are desirable.

§ 210-3. When unbaptized persons apply for admission to the Lord's Table and full membership in a church, they shall give to the Session satisfaction with respect to their faith and commitment, make a profession of their faith and purpose of obedience, and thereupon be baptized. This profession and baptism shall be done in the presence of the congregation unless there are extraordinary reasons to the contrary. The Session shall admit them to the Lord's Table and enroll them as communing members of the particular church.

§ 210-4. When persons baptized in infancy apply for admission to the Lord's Table and full membership in a church, they shall give to the Session satisfaction with respect to their faith and commitment, and make a profession of their faith and purpose of obedience. This profession and baptism shall be done in the presence of the congregation unless there are extraordinary reasons to the contrary. The Session shall admit them to the

§ 210-1

§ 210-5

Lord's Table and enroll them as communing members of the particular church.

§ 210-5. The time having come during public worship for the making of a public profession of faith and obedience, and those who have been approved by the Session having taken their places in the presence of the congregation, the Minister shall proceed after the following or like form:

- (a) He shall state that of the number of those who were baptized in infancy as members of the Church by birthright and heirs of the covenant promises, the Session has examined and approved as to (their) faith in Christ, and knowledge to discern the Lord's body A, B and C, who come now to assume for themselves the full privileges and responsibilities of their inheritance in the household of faith.
- (b) If there are present any candidates for baptism, the Minister shall state that: the Session has examined and approved as to (their) acceptance of Christ as Savior and Lord D, E and F, who are cordially welcomed into the goodly fellowship of believers and present themselves for baptism.
- (c) The Minister shall then address those making a profession, using the following or like form:  
(All of you) being present to make a public profession of your faith, are to assent to the following declarations and promises, by which you enter into a solemn covenant with Christ and his Church:
  - (1) Do you acknowledge yourselves to be sinners in the sight of God, justly deserving his displeasure, and without hope save in his sovereign mercy?
  - (2) Do you believe in the Lord Jesus Christ as the Son of God and Savior of sinners, and do you receive and depend upon him alone for salvation as he is offered in the Gospel?
  - (3) Do you now resolve and promise, in humble reliance upon the grace of the Holy Spirit, that you will endeavor to live as becomes the followers of Christ?
  - (4) Do you promise to serve Christ in his Church by supporting and participating in its worship and work to the best of your ability?
  - (5) Do you submit yourselves to the government and discipline

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of the Church, and promise to further its purity and peace?

After these questions have been answered in the affirmative, baptism may be administered if there are present any candidates for this ordinance. Prayer may then be offered, after which the Minister may declare:

Inasmuch as you have made profession of your faith and obedience, have received Christian baptism, and have by the Church Session been admitted to the Sacrament of the Lord's Supper, I declare you entitled to all the privileges of this congregation and of the full fellowship of the Church Universal.

A brief charge as to the importance of the solemn obligation assumed may be given to the new communicants and to the congregation. The whole may be concluded with a benediction.

§ 210-6. In the absence of a Minister, one of the Ruling Elders appointed by the Session may preside in the making of a profession of faith, but baptism may be performed only by an ordained Minister.

§ 210-7. When a Church member is received into the fellowship of a particular church by a certificate of dismissal, by other satisfactory testimonials, or upon reaffirmation of his original covenant obligations, the reception by the Session shall be announced to the congregation at public worship, and the person commended to them for their Christian confidence and affection.

## CHAPTER 11

*The Sacrament of the Lord's Supper*

§ 211-1. The Sacrament of the Lord's Supper may be administered only by an ordained Minister of the Word.

§ 211-2. The Sacrament of the Lord's Supper is to be celebrated frequently, but at least quarterly. The stated times are to be determined by the Session for each congregation.

§ 211-3. The Session may authorize that the Sacrament be administered in connection with the visitation of the sick of that congregation provided that it is requested by the sick person. On such an occasion at least one member of the Session, representing the congregation, shall be present in addition to the Minister;

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and a brief exposition of the Word applicable to the circumstances shall be given by the Minister so that the Sacrament may be received with understanding.

§ 211-4. Higher Church courts may appoint times for the celebration of the Lord's Supper either during their sessions or in connection with some gathering of believers which is under their control.

§ 211-5. If the people do not gather at the table, the elements are to be taken to them in their pews by Ruling Elders (whether or not in active service in the Session). In a church which lacks sufficient Ruling Elders for this purpose, Deacons (or in necessity other Church members) may be invited by the Minister and Session to serve in distributing the elements.

§ 211-6. Public notice should be given to the congregation at least one week before the celebration of this Sacrament. Either then, or on some other day prior to the administration, the people should be instructed in its nature, and urged to make due preparation for it, that all may come in a suitable manner to this holy feast.

§ 211-7. When the time for the administration of the Sacrament has come, the Minister shall show:

- (a) by reading the words of institution either from the Gospels or from I Corinthians 11, that our Lord Jesus has commanded this Sacrament to be observed in his Church, thereby showing the Lord's death till he come;
- (b) that it is for the perpetual remembrance of the sacrifice of himself in his death, for the sealing of all the benefits of his death and resurrection to all true believers, for their spiritual nourishment and growth in him, and for their further engagement in and to all duties which they owe unto him;
- (c) that it is a bond and pledge of their communion with him and with each other, as members of his body.

He shall invite to partake of the Sacrament all those who are communicants in good standing in some Christian church, who trust in the Lord Jesus Christ and repent of their sins, and who would covenant afresh to live as followers of Christ.



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## § 211-8

He shall also warn the unprepared, the self-sufficient, the unrepentant, not to approach the holy table. It is proper also to give a special invitation to non-communicants to remain during the service that they may be instructed.

§ 211-8. The elements of bread and wine should be placed on a table and properly covered. The Ruling Elders should be together at a convenient place. The congregation should be orderly and reverently assembled. The Minister should then set the elements apart, by prayer and thanksgiving which shall include remembrance of the death and resurrection of Christ, and shall ask that the Holy Spirit sanctify the Sacrament unto the people's benefit. The bread and wine being thus set apart by prayer and thanksgiving, the Minister is to take the bread, and break it in the view of the people, saying:

Our Lord Jesus Christ, on the same night in which he was betrayed, having taken bread, and blessed and broken it, gave it to his disciples; as I, ministering in his name, give this bread unto you; saying (here the bread is to be distributed). Take, eat; this is my body, which is broken for you: this do in remembrance of me.

After having given the bread, he shall take the cup, and say:

After the same manner our Savior also took the cup, and having given thanks, as hath been done in his name, he gave it to the disciples, saying (while the Minister is repeating these words let him give the cup). This cup is the New Testament in my blood, which is shed for many, for the remission of sins: drink all ye of it.

§ 211-9. Since believers are to act personally in all their covenanting with the Lord, it is proper that a part of the time occupied in the distribution of the elements should be spent by all in communion with God, confession, thanksgiving, intercession, and in renewing the believer's personal covenant with his Lord.

§ 211-10. After all have partaken, the Minister should offer a prayer of thanksgiving. The congregation should sing a psalm or hymn, and be dismissed with some gospel benediction.

§ 211-11. A special offering for the poor, or other sacred pur-

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pose, is appropriate in connection with the occasion of the Lord's Supper, and may be made at such time as shall be ordered by the Session.

## B. Other Occasions of Worship

## CHAPTER 12

*Public Worship upon Weekdays*

§ 212-1. A regular time upon some weekday should be appointed by the Session for the gathering of the people to prayer, praise and the hearing of the Word.

§ 212-2. The exercises appropriate for such gatherings are: the singing of praises; the offering of prayers, especially specific intercessions by the church for persons known to have special need; the reading of and instruction in Holy Scripture; the consideration of aspects of the Church's witness to the Gospel, such as missions, evangelization and stewardship; and expressions of the fellowship of believers in Christ their Lord, such as common meals.

## CHAPTER 13

*Days of Fasting and of Thanksgiving*

§ 213-1. It is proper and Scriptural that the Church observe days of fasting and of thanksgiving under the urgent circumstances of God's providence.

§ 213-2. Fasting and thanksgiving may be observed by individual Christians; by families; by congregations; by a number of congregations near each other; by the congregations under the care of a Presbytery, or of a Synod; or by all the congregations of this Church.

§ 213-3. It should be left to the judgment and discretion of every Christian and family to determine when it is proper to observe a private fast or thanksgiving; and to the Sessions to determine for particular congregations; and to the Presbyteries or Synods to determine for larger districts. When it is deemed expedient that a fast or thanksgiving should be general, the call for it should

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be issued by the General Assembly. If at any time the civil power should appoint a fast or thanksgiving, it is the duty of the Ministers and people of our communion to pay all due respect to it.

§ 213-4. Public notice should be given a sufficient time before every public day of fasting or thanksgiving, that persons may so order their affairs as to allow them to attend properly to the duties of the day.

§ 213-5. There should be public worship upon all such days; and the prayers, psalms or hymns, the selections of Scripture, and sermons should all be in a special manner adapted to the occasion.

§ 213-6. On days of fasting, the Minister should point out the authority and providence calling for the observance; and he should spend more than the usual time in solemn prayer, particular confession of sin, especially of the sins of the day and place; and the whole day should be spent in prayer and meditation.

§ 213-7. On days of thanksgiving, the Minister should give information respecting the authority and providences which call for the observance; and he should spend more than the usual time in giving thanks, agreeably to the occasion, and in singing psalms or hymns of praise. On these days, the people should rejoice with holy gladness of heart; but their joy should be tempered with reverence, that they indulge in no excess or unbecoming levity.

## CHAPTER 14

*Individual and Family Worship*

§ 214-1. It is the duty of each person and of every family to worship God in private.

§ 214-2. Individual worship is plainly enjoined by our Lord. In this duty everyone, apart, should spend some time in prayer, reading the Scriptures, holy meditation, and serious self-examination. The many advantages of these duties are best known to those who faithfully engage in them.

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§ 214-3. Family worship, which should be observed daily by every family, consists in prayer, reading the Scriptures, and singing praises; or in some other form of outspoken recognition of God.

## CHAPTER 15

*Christian Marriage*

§ 215-1. Since marriage is a divine institution, established by God in creation, the Church solemnizes marriage in holy worship, with prayer and blessings, bearing witness to its nature, and also requires vows concerning their obligation to God from those who engage in it.

§ 215-2. As they are enjoined to marry in the Lord, Christians should have their marriage solemnized by a lawful Minister of the Word, ordinarily in the building set apart to the worship of God and in the presence of God's people.

§ 215-3. The intent to marry should be announced sufficiently in advance of the solemnization of the marriage. Before the marriage it is the duty of the Minister to see (1) that the parties obey the proper laws established by the civil commonwealth to regulate marriages; (2) that the parties are of such years of discretion as to be capable of making their own choice; and, if they be under age, that the consent of parents or guardians be previously obtained and certified to the Minister; (3) that the parties' understanding of and commitment to Christian marriage is such as to give promise of God's blessing upon their union; (4) that special instruction is given to prepare them for entering into their new relation in the Lord.

§ 215-4. The Minister should instruct those planning marriage in this Church's understanding of marriage as set forth in Chapter XXVI of the Confession of Faith and in this chapter of the Directory for Worship. He may counsel with them on all important aspects of marriage, especially those where problems may arise. He should assist them to lay firm foundations for the establishment of a Christian home, and should encourage them to develop the Christian graces of understanding, patience, generosity, repentance, and forgiveness as the basis of harmony within their union.

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§ 215-5. The Minister should take as a vital pastoral responsibility the task of preventing, so far as he can by wise and prayerful counsel, the hasty or ill-considered separation of any couple committed to his care. Divorce can rightly be sanctioned by the Church only where a continuation of the legal union would endanger the physical, moral or spiritual well-being of one or both of the partners or that of their children.

§ 215-6. In all cases where remarriage after divorce is sought, the Minister's decision should turn not so much on what the applicant has done as on what the person by God's grace has now become, and what, with God's help, he (or she) honestly intends and hopes to do in the future.

The Session of a church may appoint a committee to advise on such cases at the request of the Minister; and the Presbytery may appoint a similar committee to which Minister or Session may refer such cases.

§ 215-7. If the Minister is not in conscience convinced of the complete propriety of the marriage under the laws of the civil commonwealth and of Holy Scripture as interpreted in the Standards of this Church, he shall not perform the ceremony.

§ 215-8. The order for a marriage service shall include a statement of the nature of Christian marriage as set forth in Scripture, prayers for the parties and for their new estate, the undertaking of the covenant between them, a declaration that the parties have been joined in marriage, and the Minister's pronouncing the benediction of God upon their union.

Any further elements of the order shall be at the discretion of the Minister, who shall have entire responsibility for the direction of the service. Such music as accompanies the service should be to the glory of God who sanctifies marriage, to which end the use of hymns by the congregation is appropriate.

§ 215-9. The Minister shall comply with all requirements of the civil commonwealth for the proper performance and registration of the marriage. He shall also see that the church maintains an adequate record of marriages within the congregation by having notice of all such marriages included in the minutes of the church Session. He shall also keep a personal register of

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all marriages he performs, including the time, the names of the parties, and the civil authority issuing license to marry.

## CHAPTER 16

*The Funeral and the Burial of the Dead*

§ 216-1. The funeral should be a service of worship in which God's people witness to their faith in the communion of saints, the resurrection of the body, and the life everlasting; and in which also assurance of God's love and salvation in Christ is ministered especially to the bereaved.

This service should ordinarily be held in the building set apart to the worship of God, and conducted by a Minister of the Word.

§ 216-2. The exercises proper to the funeral are: the singing of appropriate psalms or hymns; the reading of appropriate passages from Holy Scripture; the exposition and application of such Scripture in a sermon if the Minister judges it proper; the offering of prayers which shall include: thanksgiving for Jesus Christ and the hope of the Gospel; intercession for the bereaved; and supplication for faith and grace on behalf of all present.

§ 216-3. The exercises proper to the burial of the dead are the committal of the body to the grave with Scripture and prayer, the service being closed with a benediction.

## PART II

## The Work of the Church

## CHAPTER 17

*The Work of Evangelizing*

§ 217-1. Evangelization is the primary and urgent task of the Church. All mankind is to be called to believe in Christ as Savior, to repent and to obey Christ as Lord of all. Christ's claim as Savior and Lord is to be laid on every individual and on the whole of society.

§ 217-2. The Pastor and the Church Session have the respon-



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## § 218-1

sibility for leading the Church in performing this task. This service is faithfully rendered only as the Church keeps this task as the goal of all its work, and as its members are led to witness to Christ in their personal contacts and in their family, business and social relationships.

## CHAPTER 18

*The Work of Christian Nurture*

§ 218-1. Christian nurture is the work of instructing and guiding believers and their children in Christian faith and life.

§ 218-2. The Bible is the basic textbook of the Church. Together with the Confession of Faith and the Larger and Shorter Catechisms, it shall provide the primary teaching material for the educational program. Further teaching materials in accord with these primary materials may be authorized by the General Assembly, and should be used by parents and churches.

§ 218-3. Christian nurture begins and continues in the Christian home. Here parents and children live in a continuing fellowship within which, by the aid of the Holy Spirit, the Gospel may be so presented that all those involved will respond in faith and commitment to Jesus Christ as Lord and Savior.

§ 218-4. Parents have first responsibility for Christian nurture and should take part in the formal educational program of their church.

§ 218-5. The formal educational program of a particular church is under the control of the Session (cf. FG § 15-6) and under the supervision of the Pastor (cf. FG § 10-4). All materials and activities shall be approved by the Session, and should be in harmony with the educational program approved by the General Assembly. The Session shall see that adequate buildings and other physical equipment are provided. The Session shall confirm the choice and appointment of all persons who are to serve in the educational program. The Session may employ properly qualified persons to direct the educational program. Such persons shall work under the supervision of the Pastor.

§ 218-6. The Pastor, because he is the Teaching Elder, is a

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## § 218-7

member of such committees and councils as the Session may appoint to carry out the educational program. Persons employed by the Session to direct the educational program may be advisory members of appropriate committees and councils.

§ 218-7. Church members who give evidence of spiritual maturity, who accept the basic beliefs of our Church, and who are willing to receive training in the necessary teaching skills are to be recruited as leaders and teachers.

## CHAPTER 19

*The Work of a Member in the Church*

§ 219-1. Whereas those with a special sense of call are led of God into special fields of service, it is incumbent upon every member of the Church by virtue of his vows of Church membership to attend services of worship regularly; to give generously to the support of the Church; to participate as fully as possible in church activities; to take part in the formal educational program of the Church; to observe family prayer, daily Bible reading and grace at meals in his home; and in every way to reflect in his life his relationship to Christ as Savior and Lord.

§ 219-2. Those to whom God has given particular abilities, such as teaching, visiting or administering, should respond to needs as they arise, and should be encouraged by the Pastor and Session to do so.

## CHAPTER 20

*Stewardship of Possessions*

§ 220-1. Stewardship of possessions, as the believer's response to God for the blessing he has bestowed on his people, finds its motive in God's gift of his Son to us, and its measure in Christ's offering of his life for our redemption. It is a voluntary expression arising out of a grateful heart and a grace derived through the Holy Spirit.

Recognizing God's sovereignty over and claim upon his life, the Christian steward first offers himself and his abilities to God. He then presents his possessions as an offering for God to use both in the Church and in the world.

## DIRECTORY FOR WORSHIP

## § 220-2

§ 220-2. It is the responsibility of the Pastor and other Church officers to present God's ownership as it is revealed in Holy Scripture. All believers should be encouraged to return a definite portion of their income to God. It is a particular duty of the Deacons to develop the grace of liberality in the members of the Church.

§ 220-3. The order of worship should provide an opportunity for those present to express their devotion to God through gifts for the work of his Church.

This offering shall ordinarily provide for the regular financial commitments of the congregation. However, from time to time, special causes of the Church and special needs of people provide occasions whereby believers may again recognize God's ownership of themselves and their possessions.

## CHAPTER 21

*The Daily Work of a Christian*

§ 221-1. God calls all Church members to glorify and serve him in their daily work.

§ 221-2. The choice of a life work is a decision of faith. This decision is based upon a sense of divine call, upon an appraisal of abilities and interests, upon the appropriateness of the work to serve God's purposes, and upon acceptance of God's apparent providence.

The doing of one's daily work is for the Church member obedience to God and an expression of faith in the lordship of Jesus Christ.

## CHAPTER 22

*Ministry to the Sick, the Bereaved, and Others in Special Need*

§ 222-1. As Christ visited the sick and the bereaved, fed the hungry and ministered to the poor, so he has commanded his people to share their gifts of the Spirit, their time, their possessions, and their lives with people in every state of need.

§ 222-2. The responsibility of Pastors, Ruling Elders, Deacons and members extends far beyond the limits of any particular congregation. It is their duty in the name of Christ to extend the

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## § 222-3

church's ministry to hospitals, homes for the aged and infirm, children's homes, correctional schools, prisons and welfare institutions, and wherever, in the providence of God, his children in adversity may be found.

§ 222-3. Deacons, by the very nature of their office, are charged with responsibility for continuing works of mercy. To them particularly the church looks for leadership in its ministry of compassion as it seeks to provide comfort, hope and healing to the lonely, the troubled, the sick and the poor.

§ 222-4. Believers should minister to the physical and spiritual needs of any who may be sick, should ask in faith the blessing of God upon the means used for their relief and healing, remembering that the Holy Spirit works healing where and when he wills.

§ 222-5. It is the duty of the sick and their families to notify the church of their condition. It is a special duty of the Pastor and Ruling Elders to visit the sick and minister specifically to their spiritual welfare, mindful that the Holy Spirit uses the crises of human life to manifest the grace of God.

§ 222-6. When a death occurs, the family should inform the Pastor and he should notify members of the Session and of the congregation so that the needs of the bereaved, both spiritual and material, may be ministered to by the people of God. The church's ministry should include prayer by the Ruling Elders with and for the family, and the presence of church officers and members at the funeral.

## CHAPTER 23

*The Christian's Life in the World*

§ 223-1. Christ has established his Church in the world that he might have a people to serve him, and that they should be the instruments of his reconciling ministry in the world.

§ 223-2. The Christian is sent by his Lord into this world, as the Father sent the Son into this world. He is to live in this world as his Lord lived in the world; love it because God loves it; serve it because his Lord came to serve it and to redeem it.

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## § 223-3

§ 223-3. The primary witness of the Church to her King and Head is made as Christians, obedient to their Lord's commands, love and serve their neighbors for Christ's sake.

The Church witnesses by word and action to the lordship of Christ over human society and to the love, justice and righteousness of God over against the evils of the world; praying "... Thy kingdom come. Thy will be done in earth, as it is in heaven."

## CHAPTER 24

*Church Vocations Not Requiring Ordination*

§ 224-1. In addition to those ordained to office, God calls other Church members, both men and women, to perform special professional services in the Church. Among these are Directors of Christian Education, Directors of Music, and other persons serving under agencies of the Church not as Ministers but as professionally trained persons, such as physicians, engineers, educators, business administrators, and the like.

§ 224-2. Any person seeking such service in a Church vocation should be received under the care of the Session of the particular church to which he belongs, that there may be a clear witness to God's calling in Church vocations, and that he may have the Church's guidance in his preparation for service.

§ 224-3. The member feeling called to such a Church vocation should make that fact known to his Session and request to be received under its care. Ordinarily a period of at least six months should elapse between the request and the action of the Session receiving the person under its care. During this time the Session should assure itself regarding his sincerity of purpose in undertaking a Church vocation, and regarding his promise of usefulness in the particular vocation.

§ 224-4. Every person received under a Session's care in preparation for a Church vocation should answer affirmatively the following or like questions:

- (1) Do you trust in Jesus Christ as your Savior and commit yourself to his lordship over your whole life?
- (2) Do you sincerely believe yourself called by God to serve

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Jesus Christ in the Church vocation of (here insert the description of the particular vocation)?

(3) Do you now submit yourself to the guidance of the Session in your further training for service, and promise to devote yourself fully to this preparation?

§ 224-5. Any person seeking a Church vocation in the world mission of the Church shall apply to the Board of World Missions of this Church for reception under its care as a candidate for mission service. He shall present a recommendation from the Session under whose care he has been and shall fulfill whatever qualifications are required by the Board of World Missions. Upon his reception as a candidate for world mission service, the Session's responsibility for guiding his preparation shall end.

§ 224-6. When the preparation of a person seeking a Church vocation is completed, he should be solemnly commissioned to the specific task by the Church, acting through the appropriate court or agency. In the case of a Director of Christian Education, the commissioning agent is the court of the Church under whose authority the director shall work. In the case of a candidate for world mission service, the commissioning agent of the Church is the Board of World Missions.

Before commissioning any person in a Church vocation, the commissioning agent of the Church shall examine the person carefully to be assured of the person's sense of call to the vocation and of his competence for such work. Such commissioning shall be done only by the Church court or agency offering the person immediate employment in the Church vocation.

§ 224-7. The form of commissioning service may be that suggested in the Book of Common Worship or some like form prepared by the commissioning agency. Every such form shall require the person to affirm: faith in Jesus Christ, belief in the Scriptures as the Word of God, sincere adoption of the Confession of Faith of this Church as setting forth the system of doctrine taught in Holy Scripture, obedience to the government and discipline of this Church, awareness that his purpose in service is the glory of God. The person shall also promise faithfulness in the performance of his duties and submission to the proper control of the court or agency which may employ him.



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**EXHIBIT B****A RESOLUTION**

WHEREAS: The Congregation of the Vineville Presbyterian Church, Inc. desires to be at peace and to proclaim the Good News of Jesus Christ, adhering closely to the Bible as the infallible Word of God, and to the doctrines originally stated in the Westminster Confession of Faith, and

WHEREAS: The Congregation of the Vineville Presbyterian Church, Inc. desires to separate with our property, real, chattels, and intangibles from Augusta-Macon Presbytery and the Presbyterian Church in the United States so as to become and constitute itself an independent church, and

WHEREAS: Such exercise of freedom is guaranteed by the First and Fourteenth Amendments to the Constitution of the United States of America,

NOW THEREFORE, BE IT RESOLVED that the Vineville Presbyterian Church Inc., does now declare itself to be an independent and self-governing church.

BE IT FURTHER RESOLVED that any and all connections, control, jurisdiction, and/or oversight of said Augusta-Macon Presbytery and any other judicatory or commission of the Presbyterian Church in the United States with the Vineville Presbyterian Church, Inc., be and the same hereby are severed and dissolved.

AND BE IT FURTHER RESOLVED that all matters concerning the Vineville Presbyterian Church, Inc., both spiritual and secular, shall be determined by the local Church Congregation and shall be carried out through its duly elected officers.

AND BE IT FURTHER RESOLVED that adherence to the Westminster Confession of Faith and the Larger and Shorter Catechisms is affirmed.

AND BE IT FURTHER RESOLVED that permission be granted to the Session of the Vineville Presbyterian Church, Inc. to join with other sessions and congregations that have recently separated from the old Augusta-Macon Presbytery, in the formation of a new provisional presbytery adhering to the Westminster Confession of Faith, the Larger and Shorter Catechisms, and the Book of Church Order, awaiting the formation of a new Presbyterian denomination in the fall of 1973.

ADOPTED AT A CONGREGATIONAL  
MEETING HELD ON

CLERK

MODERATOR

## EXHIBIT "C"

MINUTES FOR CONGREGATIONAL  
MEETING HELD MAY 27, 1973 AT  
TWELVE, NOON IN VINEVILLE PRES-  
BYTERIAN CHURCH

This meeting, having previously been called for by the Session, was opened with prayer by the Moderator. Explanation of the call was made by the Moderator. The Moderator explained that the meeting was called to determine voting procedure for the Congregational Meeting to be held May 27.

First order of business was election of a Clerk. Clerk of Session was suggested, and there being no dissenting motion; Clerk of Session was named to act as Clerk of the Congregational Meeting.

The question was put by the Moderator relative to a quorum. Ten per cent of the Congregation constitutes a quorum, and it was obvious that there was in excess of two hundred members present—the quorum of this Congregation being about 53, there obviously was a quorum present. Explanation was made by the Moderator regarding active membership as being a requirement for voting, and reference was made to the *Book of Church Order* as the authority.

Moderator reviewed the procedure for voting, informing the Congregation of the Session's recommendation for a standing vote. The Moderator also advised that a minority of the Session had requested a secret ballot. Motion was made by Clerk to adopt the Session's recommendation of a standing vote. This Motion was seconded.

Member, Dan Dunwody, spoke against the standing vote.

Member, Charles Wolf, spoke in favor of the standing vote. Question was called for; and unanimous vote approved proceeding with this, as to the method of voting. Voting at this point was by upraised hands; and this passed by a vote of 179 *for* the motion, and 98 *against* the motion to vote on the Resolution by standing.

The Resolution (see copy attached to Minutes) was read by the Clerk. Motion was then made by Clerk to adopt the Resolution as submitted by the Session. This motion was seconded.

Comments were made by various members of the Congregation, after which the question was called. By unanimous voice vote, the question was put to the Congregation. The Motion passed by 165 *for*, to 94 *against*, according to the count. (See tally sheets attached.)

A question was raised from the floor as to what percentage of a majority was required to pass the Resolution. Moderator advised that a simple majority was sufficient. Rev. Joseph Eckstine requested recognition, and was given authority to speak. Mr. Eckstine stated that Vineville Church did not come into the Presbyterian Church by a majority vote, and that it would not find it so easy to withdraw by a majority vote. The gist of his remark was that a simple majority was not sufficient to withdraw the Church from the Presbyterian Church, U.S.

The above figures reflect more than a simple majority, showing sixty-four per cent (64%) of those present as voting in favor of the Motion, and thirty-six per cent (36%) against. The Church reported as separating from Presbyterian Church of the United States.



A plea was made by the Moderator for "drawing together in a stronger unity than ever before". Motion to adjourn was seconded and passed. Meeting adjourned with prayer by the Moderator.

F. L. FLEMING

*Clerk*

# EXHIBIT D

May 27, 1973

Rev. Robt. D. Earnest  
Presbytery of Augusta-Macon  
2110 Ingleside Ave.  
Macon, Georgia 31204

Dear Sir:

On May 27, 1973, the Congregation of the Vineville Presbyterian Church by a standing vote of 165 for, and 94 against, severed its relationship with the Presbytery of Augusta-Macon and with the Presbyterian Church in the United States. A copy of the Resolution adopted by the Congregation is enclosed.

The reasons for the action of the Congregation are well known to the Presbytery and to the denomination. The General Assembly of the Presbyterian Church in the United States has demonstrated repeatedly its arbitrary disregard of its covenant to preserve the purity and peace of the Church.

We trust that our relations with you will continue to be cordial. It was with deep conviction, but also with regret, that we felt constrained to take this action. We ask you to pray for us, and we promise that we shall continue to pray for you.

Very truly yours,

*Clerk of Session*

## EXHIBIT E

May 27, 1973

Rev. Robt. D. Earnest  
 Presbytery of Augusta-Macon  
 2110 Ingleside Ave.  
 Macon, Georgia 31204

Dear Sir:

This will notify you that I have relinquished my membership in the Presbytery of Augusta-Macon, and, of this date, May 27, 1973, have been taken under the jurisdiction and oversight of the Session of the Vineville Presbyterian Church.

Very sincerely yours,

HENRY M. HOPE, JR.  
*Pastor*

## EXHIBIT F

## AUGUSTA-MACON ADMINISTRATIVE COMMISSION

The following are the actions of the Commission:

1. The members of the congregation of the Vineville Presbyterian Church who hold to their original vows and have not renounced their affiliation with the Presbyterian Church in the United States are recognized and are hereby declared to be the true congregation of Vineville Presbyterian Church.

2. In light of the declarations by the Rev. Mr. Henry Hope and the officers of the Vineville Presbyterian Church who agreed to the statement of withdrawal on May 27, 1973, we hereby record their irregularity and withdraw from them all authority to exercise office derived from the Presbyterian Church in the United States (BCO 111-3).

3. We declare the Session of the Vineville Presbyterian Church unable to exercise authority and assume original jurisdiction over the Vineville Presbyterian Church for the purpose of organizing a Session of the congregation and for providing pastoral care for the congregation. (BCO 16-7 (2)).

We recommend the adoption of the guidelines used by this Commission by Presbytery and communicated to our churches for their instruction and guidance.

1. That Presbytery dismiss or dissolve any congregation from the Presbytery which requests to be so by at least a  $\frac{3}{4}$  majority vote of that congregation in a duly called congregational meeting.

2. For those who hold irreconcilable differences that a Commission of Presbytery give to them opportunity to make known their differences and that

this Commission thereby, if they so desire, dismiss or dissolve the relationship of those individuals and declare that the true congregation is those who wish to remain loyal to the Presbyterian Church in the United States.

3. For those with irreconcilable differences who will not recognize the authority of Presbytery be declared to have withdrawn from the Presbyterian Church in the United States and thereby to have forfeited all ecclesiastical privileges of the PCUS and all rights to the property of the congregation.

Respectfully submitted

ROBERT HUNT, CHM.  
MARVIN RANDOLPH, SEC.  
GEORGE GANEY  
PHILIP BRINSON  
PHILIP JORDAN  
HORACE HUTTO

ANSWER, FILED 5/17/76

IN THE SUPERIOR COURT OF BIBB COUNTY, GEORGIA

R. W. JONES, SR.,  
ROBERT E. LUCAS  
and RALPH MIGNEREY,

*Plaintiffs*

v.

Civil Action  
No. 45787 D-2

CHARLES T. WOLF,  
F. LAMAR FLEMING  
and HENRY M. HOPE, JR.,

*Defendants*

ANSWER OF DEFENDANTS

Come now CHARLES T. WOLF, F. LAMAR FLEMING and HENRY M. HOPE, JR., defendants herein, and for answer to the complaint of the plaintiffs respectfully show as follows:

FIRST DEFENSE

Plaintiffs' complaint fails to state a claim against these defendants, or any of them, upon which relief can be granted.

SECOND DEFENSE

Specifically answering the allegations of the complaint, these defendants say as follows:

1.

Defendants admit paragraph 1.



2.

Defendants admit paragraph 2.

3.

Answering paragraph 3 of the complaint:

(a) Defendants deny that the Presbyterian Church in the United States is a Hierarchical Church.

(b) Defendants admit that the Presbyterian Church in the United States is generally recognized by legal commentators and in court opinions as having a "connectional form of government".

(c) Defendants say on information and belief that plaintiffs and the class they represent are not members of the Presbyterian Church in the United States in that said denomination does not have individual members.

4.

Answering paragraph 4 of the complaint:

(a) Defendants admit that the Vineville Presbyterian Church located at 2193 Vineville Avenue, Macon, Georgia, whose membership is composed of defendants and the class they represent, was a local unit of the Presbyterian Church in the United States until May 27, 1973.

(b) Defendants deny the remaining averments of paragraph 4.

5.

Answering paragraph 5 of the complaint:

(a) Defendants admit that plaintiffs and the class they represent are members of a group which calls itself

"The Vineville Presbyterian Church, a local unit of the Presbyterian Church in the United States", but deny that plaintiffs or the aforesaid group have any rights whatsoever in the property which is the subject matter of this action.

(b) Defendants admit the remaining averments of paragraph 5.

6.

Answering paragraph 6 of the complaint:

(a) Defendants deny that they and the class they represent were formerly members of the Presbyterian Church in the United States, and show that they and the class they represent were and are presently members of the Vineville Presbyterian Church.

(b) Defendants admit that they will fairly insure adequate representation of all members of the class of persons composed of the membership of the Vineville Presbyterian Church.

(c) Defendants deny the remaining averments of paragraph 6.

7.

Answering paragraph 7 of the complaint:

(a) Defendants show that the structure of the Presbyterian Church in the United States is set forth in the Book of Church Order attached to the complaint as Exhibit "A", and that said document speaks for itself.

(b) Defendants deny that a Presbytery, a Synod or the General Assembly has any authority whatsoever over the property of a local church unit.

8.

Answering paragraph 8 of the complaint:

(a) Defendants deny that the resolution referred to in paragraph 8 purported to do anything, and show that said resolution in fact severed the connectional relationship existing between the Vineville Presbyterian Church and the Augusta-Macon Presbytery, and through that body the Presbyterian Church in the United States.

(b) Defendants admit the remaining averments of paragraph 8.

9.

Answering paragraph 9 of the complaint:

(a) Defendants admit that Exhibits "D" and "E" are true and correct copies of the original documents.

(b) Defendants deny the remaining averments of paragraph 9.

10.

Answering paragraph 10 of the complaint:

(a) Defendants admit that after severing the connectional relationship with the Augusta-Macon Presbytery and through that body the Presbyterian Church in the United States, the Vineville Presbyterian Church by unanimous vote of defendants and the class they represent united with the Central Georgia Presbytery of the Presbyterian Church in America.

(b) Defendants deny that the uniting of the Vineville Presbyterian Church with the Central Georgia Presbytery is germane to any issue whatsoever in this case.

11.

The allegations of paragraph 11 of the complaint require no answer, in that the contents of Exhibit "A" speak for themselves.

12.

Answering paragraph 12 of the complaint:

(a) The allegations of paragraph 12 regarding Exhibit "F" require no answer in that the contents of Exhibit "F" speak for themselves.

(b) Defendants are without knowledge or information sufficient to form a belief as to what authority the purported action contained in Exhibit "F" was taken, or whether it can be deemed to be regularly taken.

(c) Defendants show that by whatever authority Exhibit "F" was issued, it has no effect whatsoever with regard to the property of the Vineville Presbyterian Church located at 2193 Vineville Avenue, Macon, Georgia.

(d) Defendants specifically deny that any action taken with regard to Exhibit "F" is binding upon these defendants or the class which they are alleged to represent.

13.

Answering paragraph 13 of the complaint:

(a) Defendants admit that on February 1, 1974 after the Vineville Presbyterian Church severed its relationship with the Augusta-Macon Presbytery, an instrument was filed in the office of the Clerk of the Superior Court of Bibb County which names plaintiffs Jones, Lucas and Mignery as Trustees of Vineville Presbyterian Church.

(b) Defendants deny that said instrument is of any force and effect whatsoever and show that said document is illegal, void and a nullity, and should be so decreed by this Honorable Court.

(c) Defendants show that A. E. Barnes, III, Hal Bell, and R. C. Ham are the duly elected Trustees of the Vineville Presbyterian Church.

## 14.

Answering paragraph 14 of the complaint:

(a) Defendants admit that they and the class they represent have been in possession, dominion and control over the church property of the Vineville Presbyterian Church located at 2193 Vineville Avenue, Macon, Georgia, since 1908.

(b) Defendants show that the allegations of paragraph 14 referring to the tenets and doctrines of the Presbyterian Church in America are immaterial to any issue in this case.

(c) Defendants deny the remaining averments of paragraph 14.

## 15.

Answering paragraph 15 of the complaint:

(a) Defendants admit that plaintiffs and the class they represent have been prohibited and excluded from utilizing the property of the Vineville Presbyterian Church as a local unit of the Presbyterian Church in the United States.

(b) Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 15.

## 16.

Defendants admit paragraph 16.

## 17.

The allegations of paragraph 17 of the complaint require no answer in that any judgment by the United States District Court for the Middle District of Georgia speaks for itself.

## 18.

Answering paragraph 18 of the complaint:

(a) Defendants admit the allegations of paragraph 18 specify the relief plaintiffs are seeking in this action.

(b) Defendants deny that plaintiffs are entitled to any such relief whatsoever.

## 19.

Except as herein specifically admitted, or neither admitted nor denied for want of sufficient information, the allegations of the complaint are denied.

## 20.

Defendants deny that plaintiffs are entitled to any relief whatever.

## THIRD DEFENSE

The complaint in the present case seeks to have this Court adjudicate matters dependent upon the interpretation of ecclesiastical law, and civil courts will not take cognizance of such a claim.



## FOURTH DEFENSE

Title to that part of the property referred to in the complaint upon which the church sanctuary is located is in a corporation known as Vineville Presbyterian Church, and the named defendants are not officers or trustees of said corporation, so that a decree entered against these defendants would be fruitless.

## FIFTH DEFENSE

Defendants show that Paragraph 6-1 of the Book of Church Order of the Presbyterian Church in the United States, Exhibit "A" to plaintiffs' complaint, provides in part that, with respect to an unincorporated church, "in the fulfillment of their duty such trustees shall be subject always to the authority, and shall act solely under the instructions of the congregation which they serve as trustees"; and if the Book of Church Order, Exhibit "A", has any efficacy in this matter, the complaint shows on its face that if the Church is not incorporated, the defendants and their associates are entitled to possession and control of said Church edifice and additional real estate of Vineville Presbyterian Church, to the exclusion of plaintiffs.

## SIXTH DEFENSE

Defendants further show that Paragraph 6-2 of the Book of Church Order of the Presbyterian Church in the United States, Exhibit "A" to plaintiffs' complaint, provides in part, with respect to an incorporated church, that "in buying, selling and mortgaging real estate, such officers (officers of the corporation) shall act solely under the authority of the corporation granted in a duly constituted meeting of the corporation"; and if the Book of Church Order, Exhibit "A" to plaintiffs' complaint, has any efficacy in this matter, the complaint shows on its face that if the Church is incorporated, the defendants and

their associates are entitled to possession and control of said Church edifice and additional real estate of Vineville Presbyterian Church, to the exclusion of plaintiffs.

## SEVENTH DEFENSE

## 1.

Defendants further show that the title to the property involved in this proceeding, which plaintiffs contend defendants are illegally holding and enjoying, to the exclusion of plaintiffs, was acquired by instruments of conveyance hereto attached, marked Exhibits "A", "B", "B-1", "C", "D", "E", "F", "G" and "H".

## 2.

Defendants further show that the Vineville Presbyterian Church is an incorporated body, having been incorporated pursuant to charter granted by the Superior Court of Bibb County, Georgia, a copy of said charter being hereto attached marked Exhibit "I", and revived and renewed according to Exhibit "J" hereto attached.

## 3.

Since 1908 the congregation of the Vineville Presbyterian Church has dealt with its property to the exclusion of the Augusta-Macon Presbytery and any other person or body connected with the Presbyterian Church in the United States, as indicated by the deeds to secure debt hereto attached as Exhibits "K", "L", "M", "N", "O" and "P".

## 4.

Defendants show, by virtue of the foregoing conveyances and charter, that plaintiffs' complaint shows on its face that the action of the defendants was legal and

valid, and that defendants and their associates are entitled to have, hold, possess and enjoy said property, which is the subject matter of this litigation, as the property of and in the name of "Vineville Presbyterian Church" free from any claims of or interference by plaintiffs and the class they represent.

WHEREFORE, defendants, having fully answered, pray that the prayers of plaintiffs' complaint be denied; that the instrument referred to in paragraph 13 above be declared null, void and of no force and effect, and for such other relief as the Court may deem proper in the premises.

Of Counsel: E. S. SELL, JR.  
E. S. Sell, Jr.

SELL, COMER & POPPER  
P.O. Box 1014  
Macon, Georgia 31202

Of Counsel: WALLACE MILLER, JR.  
Wallace Miller, Jr.

JONES, CORK, MILLER & BENTON  
500 First National Bank Bldg.  
Macon, Georgia 31201

W. WARREN PLOWDEN, JR.  
W. Warren Plowden, Jr.

*Attorneys for Defendants*

# EXHIBIT "A"

STATE OF GEORGIA, HANCOCK COUNTY:—

THIS INDENTURE, Made the 15th day of July in the year of our Lord One Thousand Nine Hundred and Eight between Richard H. Moore and John L. Culver of the County of Hancock and State of Georgia of the first part and *T. S. Lowry and G. T. Kinnett, as Trustees of the Vineville Presbyterian Church of the County of Bibb and State of Georgia* of the Second part,

WITNESSETH, That the said parties of the first part for and in consideration of the sum of Three Thousand Five Hundred Dollars in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged have granted, sold, aliened, conveyed and confirmed and by these presents do grant, bargain, sell, alien, convey and confirm unto the said parties of the second part their successors and assigns all the following described property to-wit: That lot or parcel of land situate, lying and being in the Vineville District of Bibb County, beginning at a point where Culver Street intersects Vineville Avenue and running along the East side of said Culver Street a distance of 210 feet, more or less, to an alley thence along said alley a distance of 100 feet thence at right angles to said alley along a line parallel to Culver Street a distance of 210 feet, more or less to Vineville Avenue, thence along said Vineville Avenue a distance of 100 feet to the point of beginning said lot being a part of the land which was conveyed to Richard H. Moore and John L. Culver by J. A. Moore by deed dated January 16th, 1899, and recorded in Book 96 folio 665 in the office of the Clerk of the Superior Court in Bibb County.

TO HAVE AND TO HOLD the said granted and described property with all and singular the rights, members and appurtenances thereunto appertaining, to the said party

of the second part their successors and assigns, *for the only proper use, benefit and behoof of the said Vineville Presbyterian Church in Fee Simple*; and the said parties of the first part the said bargained property above described unto the said party of the second part, their successors and assigns, against the said parties of the first part, their heirs, executors, administrators or assigns and against all and every other person or persons, shall and will and do hereby warrant and forever defend by virtue of these presents.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands, affixed their seals and delivered these presents the day and year first above written.

Signed, sealed and delivered in the presence of us, the day and year above written,

L. S. CONNELL,  
J. D. BURNETT

N.P. Hancock Co. Ga.  
(SEAL)

RICHARD H. MOORE,  
(SEAL)

JNO. L. CULVER,  
(SEAL)

Recorded July 24th, 1905.

## EXHIBIT "B"

### STATE OF GEORGIA, BIBB COUNTY

THIS INDENTURE, Made this 19th day of June in the Year of Our Lord, One Thousand Nine Hundred and Fifteen between T. S. Lowry and G. T. Kinnett, of the County of Bibb, parties of the first part, and Vineville Presbyterian Church of the County of Bibb party of the second part:

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Five (\$5.00) Dollars, cash in hand paid, the receipt of which is hereby acknowledged, have bargained and sold, and do by these presents remise, release, and forever quit-claim to the said party of the second part, its successors and assigns, all the right, title, interest, claim or demand, the said part of the first part have or may have had in and to

That lot or parcel of land situate, lying and being in the Vineville District of Bibb County, Georgia, beginning at a point where Culver Street and Vineville Avenue intersect, and running along East side of Culver Street a distance of 210 feet, more or less, to an alley: thence along this alley a distance of 100 feet: thence at right angles to said alley along a line parallel to Culver Street a distance of 210 feet, more or less to Vineville Avenue: thence along said Vineville Avenue a distance of 100 feet to point of beginning: said lot being a part of the land which was conveyed to Richard H. Moore and John T. Culver by J. O. Moore by deed dated January 16, 1899 and recorded in Book 96, folio 663, Clerk's Office, Superior Court of Bibb County.

containing        acres, more or less, with all the rights, members and appurtenances to said lot of land in anywise appertaining or belonging.



TO HAVE AND TO HOLD the said lot of land to the said party of the second part so that neither the said parties of the first part nor their heirs, nor any other person or persons claiming under them shall at any time, by any ways or means, have, claim, or demand, any right or title to the aforesaid lot of land or its appurtenances, or any right thereof.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and affixed their seals the day and year first above written.

/s/ T. S. LOWRY

(SEAL)

/s/ G. T. KINNETT

(SEAL)

Signed, Sealed and Delivered  
in the presence of:

/s/ ROLAND T. MAHONE, *Notary Public*, Bibb  
Co. Ga. Com. Ex. 3/13/16

/s/ BE. E. WILLINGHAM, JR.  
June 22, 1915

# EXHIBIT C

STATE OF GEORGIA  
BIBB COUNTY

THIS INDENTURE, made this 1st day of June in the year of our Lord One Thousand Nine Hundred and Fifty-six between A. E. Barnes, III of the State of Georgia and County of Bibb party of the first part and HERBERT SMART, ROBERT E. LUCAS & A. EMMETT BARNES, III, as Trustees of Vineville Presbyterian Church and their successors in office of the State of GEORGIA and County of BIBB party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of (\$1,000.00) ONE THOUSAND DOLLARS AND OTHER VALUABLE CONSIDERATIONS dollars in hand, paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has hereby granted, bargained, sold and conveyed, and by the presents does grant, bargain, sell and convey unto the said parties of the second part their heirs, successors, legal representatives, and assigns, all that tract or parcel of land lying and being in All that tract or parcel of land situate lying and being in the Vineville District of Macon, Bibb County, Georgia, and being more fully described as follows: Commencing at a point 222 feet from the northeast corner of Vineville and Culver Street and running thence northward along the east side of Culver Street 70 feet; thence eastward at right angles 225½ feet; thence at right angles toward Vineville Avenue 70 feet to a 12 foot alley; thence westward along said alley 213 feet to the starting point; and being the property conveyed to Mrs. Corinne E. Baynard by deed recorded in the Office of the Bibb Superior Court in Book 204, Folio 116 on March 5, 1917, and being the same property conveyed by Mrs. Corinne E. Baynard to Grantor herein.

As a part of the consideration above expressed, Grantees herein assume and agree to pay a deed with power of sale on the above-described property given by Grantor herein to Mrs. Corinne E. Baynard for the principal sum of \$8,000.00.

GEORGIA, Bibb County  
Clerk's Office Superior  
Court

Filed for Record June 1,  
1956 at 12:30 o'clock P.M.

Recorded June 2, 1956

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being; belonging or in any wise appertaining, to the only proper use, benefit and behoof of Herbert Smart, Robert E. Lucas & A. Emmett Barnes, III, as Trustees of Vineville Presbyterian Church said parties of the second part, their heirs, successors and assigns, IN FEE SIMPLE.

And the said party of the first part, for his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said parties of the second part, their heirs, successors, legal representatives and assigns, against the lawful claims of all persons whomever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand affixed his seal and delivered these presents, the day and year above written.

Signed, sealed and delivered in the presence of:

A.E. BARNES III (SEAL)

WADE P. HEUIE, JR. (SEAL)

ANNIE MOZELLE S. WARREN (SEAL)

Notary Public, Bibb Co., Ga.

My Commission Expires June 21, 1958

## EXHIBIT D

STATE OF NEW YORK  
COUNTY OF ERIE

THIS INDENTURE, made and entered into this the 30th day of December, in the year of our Lord, One Thousand Nine Hundred Sixty, between O. J. BATEMAN, JR. of the State of New York and County of Erie, party of the first part, and EMMETT BARNES, III, R. E. LUCAS, and HERBERT SMART, all as Trustees for VINEVILLE PRESBYTERIAN CHURCH, and their successors in office as such trustees for said Church, of Bibb County, Georgia, parties of the second part.

## WITNESSETH

That the said party of the first part, for and in consideration of the sum of One Hundred Dollars and other good and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said parties of the second part as the present Trustees for Vineville Presbyterian Church and their successors in office as such trustees and their assigns, all the following described property:

All that tract or parcel of land situate, lying and being in the Vineville District of Bibb County, Georgia, in the City of Macon, fronting 81 feet on Vineville Avenue and extending back to a 12-foot alley in the rear, said parcel of land being more particularly described as follows: Beginning where the western property line of the lot now or formerly owned by E. S. Taylor (formerly

Hopson) intersects Vineville Avenue, and extending thence in a westerly direction along Vineville Avenue a distance of 81 feet; thence in a northerly direction a distance of 239.9 feet to a 12-foot alley; thence in an Easterly direction along the line of said alley a distance of 112.2 feet, thence in a southerly direction along the line of the property now or formerly belonging to E.S. Taylor a distance of 264 feet to the point of beginning on Vineville Avenue. Said parcel of land being shown on a plat of a subdivision of the Culver Property in Vineville made by H.D. Cutter, C.E. and of record in Book 130, page 217, to which plat reference is made in aid of this description.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, and their successors in office as such trustees for Vineville Presbyterian Church and assigns IN FEE SIMPLE.

The above named Trustes, and their successors in office as such trustees for Vineville Presbyterian Church are hereby granted the specific power and authority to sell and convey or mortgage or convey the title thereto as security for any loan that may be made to said church, and to do all acts and things incident thereto, any part or all of the real estate herein described, by complying with the rules and regulations of the Church only. No authority shall be required from any court or the Judge thereof to do any of the acts herein set forth.

And the siad party of the first part, for himself and his heirs, successors and assigns and administrators will warrant an forever defend the right and title to all the above described property unto the said parites of the

second part, their successors in office and trustees, legal representatives and assigns against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand, affixed his seal and delivered these presents the date and year first above written.

O. J. BATEMAN, JR.

.....(SEAL)

Signed, sealed and delivered in  
the presence of

ANNETTE J. STEVENS

ANN P. KEANE

Notary Public, Erie County, New York



**EXHIBIT E**

STATE OF GEORGIA  
COUNTY OF BIBB

THIS INDENTURE, Made and entered into this the 30th day of December, in the year of our Lord, One Thousand Nine Hundred Sixty, between WARREN BATEMAN of Fulton County, Georgia, CLIFFORD HARRIS BATEMAN of Peach County, Georgia, LEOLA DUMAS of Bibb County, Georgia, D.C. BATEMAN of Bibb County, Georgia OLIVER C. BATEMAN of Orange County, Florida, parties of the first part, and EMMETT BARNES III, R.E. LUCAS and HERBERT SMART, all as Trustees for VINEVILLE PRESBYTERIAN CHURCH, and their successors in office as such trustees for said Church, of Bibb County, Georgia, parties of the second part.

**WITNESSETH**

That the said parties of the first part, for and in consideration of the sum of One Hundred Dollars and other good and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said parties of the second part as the present Trustees for Vineville Presbyterian Church and their successors in office as such trustees and their assigns, all the following described property:

All that tract or parcel of land situate, lying and being in the Vineville District of Bibb County, Georgia, in the City of Macon, fronting 81 feet on Vineville Avenue and extending back to a 12-foot alley in the rear, said parcel of land being more particularly described as follows: Beginning where the western property line of the lot

now or formerly owned by E. S. Taylor (formerly Hopson) intersects Vineville Avenue, and extending thence in a westerly direction along Vineville Avenue a distance of 81 feet; thence in a northerly direction a distance of 239.9 feet to a 12-foot alley; thence in an easterly direction along the line of said alley a distance of 112.2 feet; thence in a southerly direction along the line of the property now or formerly belonging to E. S. Taylor a distance of 26 feet to the point of beginning on Vineville Avenue. Said parcel of land being shown on a plot of a subdivision of the Culver Property in Vineville made by H. D. Cutter, C. E. and of record in Book 130, page 817, to which plat reference is made in aid of this description.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, and their successors in office as such trustees for Vineville Presbyterian Church and Assigns in FEE SIMPLE.

The above named Trustees, and their successors in office as such Trustees for Vineville Presbyterian Church are hereby granted the specific power and authority to sell and convey or mortgage or convey the title thereto as security for any loan that may be made to said church, and to do all acts and things incident thereto, any part or all of the real estate herein described, by complying with the rules and regulations of the Church only. No authority shall be required from any court or the Judge thereof to do any of the acts herein set forth.

And the said parties of the first part, for themselves and their heirs, executors and administrators will warrant and forever defend the right and title to the above

described property unto the said parties of the second part, their successors in office as Trustees, legal representatives and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands, affixed their seals and delivered these presents the date and year first above written.

MOULTRIE WARREN BATEMAN  
.....(SEAL)  
Warren Bateman

Signed, sealed and delivered by  
Warren Bateman in the presence  
of:

R. L. MURDOCK  
.....

JOE B. SULLIVAN J. P.  
.....  
Notary Public

CLIFFORD HARRIS BATEMAN  
.....(SEAL)  
Clifford Harris Bateman

Signed, sealed and delivered by  
Clifford Harris Bateman in the  
presence of

R. L. MURDOCK  
.....

JOE B. SULLIVAN J.P.  
.....  
Notary Public

LEOLA DUMAS  
.....(SEAL)  
Leola Dumas

Signed, sealed and delivered by  
Leola Dumas in the presence of

EDNA U. BATEMAN  
.....

HAROLD ANDERSON  
.....  
Notary Public, Bibb County,  
Georgia

NOTARY PUBLIC  
MY COMMISSION EXPIRES FEBRUARY 27, 1981

D. C. BATEMAN  
.....(SEAL)  
D. C. Bateman

Signed, sealed and delivered by D.  
C. Bateman in the presence of

EDNA U. BATEMAN  
.....

HAROLD ANDERSON  
.....  
Notary Public, Bibb County  
Georgia

NOTARY PUBLIC  
MY COMMISSION EXPIRES FEBRUARY 27, 1981

OLIVER C. BATEMAN  
.....(SEAL)  
Oliver C. Bateman

Signed, sealed and delivered by  
Oliver C. Bateman in the presence  
of

.....  
EDNA U. BATEMAN

.....  
HAROLD ANDERSON

Notary Public, Bibb County,  
Georgia

NOTARY PUBLIC  
MY COMMISSION EXPIRES FEBRUARY 27, 1961

*GEORGIA, Bibb County, Clerk's Of-  
fice Superior Court  
Filed for Record Jan 4, 1961 at 3  
o'clock P.M.  
Recorded Jan 5, 1961 BOOK  
PAGES*

.....Clerk

# EXHIBIT F

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

THIS INDENTURE, Made and entered into this the 30th day of December, in the year of our Lord, One Thousand Nine Hundred Sixty, between MRS. ELIZABETH BATEMAN CHAMBERS of Hillsborough County, Florida, party of the first part, and EMMETT BARNES, III, R. E. LUCAS and HERBERT SMART, all as Trustees for Vineville Presbyterian Church, and their successors in office as such trustees for said Church, of Bibb County, Georgia, parties of the second part.

## WITNESSETH

That the said party of the first part, for and in consideration of the sum of One Hundred Dollars and other good and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said parties of the second part as the present Trustees for Vineville Presbyterian Church and their successors in office as such trustees and their assigns, all the following described property:

All that tract or parcel of land situate, lying and being in the Vineville District of Bibb County, Georgia, in the City of Macon, fronting 81 feet on Vineville Avenue and extending back to a 12-foot alley in the rear, said parcel of land being more particularly described as follows: Beginning where the western property line of the lot now or formerly owned by E. S. Taylor (formerly



Hopson) intersects Vineville Avenue, and extending thence in a westerly direction along Vineville Avenue a distance of 81 feet; thence in a northerly direction a distance of 239.9 feet to a 12-foot alley; thence in an easterly direction along the line of said alley a distance of 112.2 feet; thence in a southerly direction along the line of the property now or formerly belonging to E.S. Taylor a distance of 264 feet to the point of beginning on Vineville Avenue. Said parcel of land being shown on a plat in a subdivision of the Culver Property in Vineville made by H.D. Cutter, Civil Engineer, and of record in Book 130, page 817, to which plat reference is made in aid of this description.

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, and their successors in office as such trustees for Vineville Presbyterian Church and assigns in FEE SIMPLE.

The above named Trustees, and their successors in office as such Trustees for Vineville Presbyterian Church are hereby granted the specific power and authority to sell and convey or mortgage or convey the title thereto as security for any loan that may be made to said church, and to do all acts and things incident thereto, any part or all of the real estate herein described, by complying with the rules and regulations of the Church only. No authority shall be required from any court or the judge thereof to do any of the acts herein set forth.

And the said party of the first part, for herself and her heirs, executors and administrators will warrant and forever defend the right and title to the above described

property unto the said parties of the second part, their successors in office as trustees, legal representatives and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand, affixed her seal and delivered these presents, the date and year first above written.

ELIZABETH BATE CHAMBERS

.....(SEAL)  
Elizabeth Bateman  
Chambers

Signed, sealed and delivered  
by Elizabeth Bateman Cham-  
bers in the presence of

MIRIAM DAVIS

DOROTHY DANIEL

Notary Public, Hillsborough County, Florida

## EXHIBIT G

STATE OF GEORGIA  
COUNTY OF BIBB

THIS INDENTURE, Made and entered into this the 30th day of December, in the year of our Lord One Thousand Nine Hundred Sixty, between Mrs. VIRGINIA BATEMAN COMER of Bibb County, Georgia, MRS. HELEN BATEMAN BOWEN of Tift County, Georgia, and MRS. BETTY BATEMAN CHAPMAN of                      County, Florida, parties of the first part, and EMMETT BARNES, III, R. E. LUCAS and HERBERT SMART, all as Trustees for VINEVILLE PRESBYTERIAN CHURCH, and their successors in office as such trustees for said Church, of Bibb County, Georgia, parties of the second part.

## WITNESSETH

That the said parties of the first part, for and in consideration of the sum of One Hundred Dollars and other good and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said parties of the second part as the present Trustees for Vineville Presbyterian Church and their successors in office as such trustees and their assigns, all the following described property:

All that tract or parcel of land situate, lying and being in the Vineville District of Bibb County, Georgia, in the City of Macon, fronting 81 feet on Vineville Avenue and extending back to a 12-foot alley in the rear, said parcel of land being more particularly described as follows: Beginning where the western property line of the

lot now or formerly owned by E. S. Taylor (formerly Hopson) intersects Vineville Avenue, and extending thence in a westerly direction along Vineville Avenue a distance of 81 feet; thence in a northerly direction a distance of 239.9 feet; to a 12-foot alley; thence in an easterly direction along the line of said alley a distance of 112.2 feet; thence in a southerly direction along the line of the property now or formerly belonging to E. S. Taylor a distance of 264 feet to the point of beginning on Vineville Avenue. Said parcel of land being shown on a plat of a subdivision of the Culver Property in Vineville made by H.D. Cutter, C.E., and of record in Book 130, page 817, to which plat reference is made in aid of this description.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining to the only proper use, benefit and behoof of the said parties of the second part, and their successors in office as such trustees for Vineville Presbyterian Church and assigns in FEE SIMPLE.

The above named trustees, and their successors in office as such trustees for Vineville Presbyterian Church are hereby granted the specific power and authority to sell and convey or mortgage or convey the title thereto as security for any loan that may be made to said church, and to do all acts and things incident thereto, any part or all of the real estate herein described, by complying with the rules and regulations of the Church only. No authority shall be required from any court or the Judge thereof to do any of the acts herein set forth.

And the said parties of the first part, for themselves and their heirs, executors and administrators will warrant and forever defend the right and title to the above

described property unto the said parties of the second part, their successors in office as Trustees, legal representatives and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands, affixed their seals and delivered these presents the date and year first above written.

MRS. VIRGINIA BATEMAN COMER  
.....(SEAL)  
Mrs. Virginia Bateman Comer

Signed, sealed and delivered by  
Mrs. Virginia Bateman Comer in  
the presence of

ALBERT P. REICHERT  
.....

DOROTHY B. SCHOFIELD  
.....

Notary Public,  
Bibb County, Georgia

MRS. HELEN BATEMAN BOWEN  
.....  
/ Mrs. Helen Bateman Bowen

Signed, sealed and delivered by  
Mrs. Helen Bateman Bowen in the  
presence of

C. A. BOWEN  
.....

S. C. STRICKLAND  
.....

Notary Public,

MY COMMISSION EXPIRED 10/14/63

MRS. BETTY BATEMAN CHAPMAN  
.....(SEAL)  
Mrs. Betty Bateman Chapman

Signed, sealed and delivered by  
Mrs. Betty Bateman Chapman in  
the presence of

.....  
Notary Public,

MY COMMISSION EXPIRED 10/14/63

GEORGIA, BIBB COUNTY,  
Clerk's Office Superior Court  
Filed for Record  
Jan. 4, 1961  
Recorded Jan. 5, 1961



## EXHIBIT H

STATE OF GEORGIA  
COUNTY OF BIBB

THIS INDENTURE, made this 30th day of December in the year of our Lord One Thousand Nine Hundred and Sixty between Deway C. Bateman as Trustee for His Children of the State of Georgia and County of Bibb party of the first part and Emmett Barnes, III, R. E. Lucas and Herbert Smart all as Trustees for Vineville Presbyterian Church & their successors in office as Trustees of the State of Georgia and County of Bibb party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One and No/100 Dollars in hand paid at and before the sealing of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain sell and convey unto the said party of the second part their successors, legal representatives, and assigns, all that tract or parcel of land lying and being in the Vineville District of Bibb County, Georgia, in the City of Macon, fronting 81 feet on Vineville Avenue and extending back to a 12-foot alley in the rear, said parcel of land being more particularly described as follows: Beginning where the western property line of the lot nor or formerly owned by E. S. Taylor (formerly Hopson) intersects Vineville Avenue, and extending thence in a westerly direction along Vineville Avenue a distance of 81 feet; thence in a northerly direction a distance of 239.9 feet to a 12-foot alley; thence in an easterly direction along the line of said alley a distance of 112.2 feet, thence in a southerly direction along the line of the property now or formerly belonging to E. S. Taylor a distance of 264 feet to the point of beginning on Vineville Avenue. Said parcel of land being shown on a plat of a subdivision of the Culver

Property in Vineville made by H. D. Cutter, C. E. and of record in Book 130, page 817, to which plat reference is made in aid of this description.

This deed is made in exercise of the power of sale contained in the wil of Mrs. Leola E. Bateman probated in Solemn Form in the Ordinary's Office of Bibb County, Georgia in Will Book J, folio 210.

The above named Trustees, and their successors in office as such Trustees for Vineville Presbyterian Church are hereby granted the specific power and authority to sell and convey or mortgage and convey the title thereto a security for any loan that may be made to said church, and to do all acts and things incident thereto, any part or all of the real estate herein described, by complying with the rules and regulations of the Church only. No sauthority shall be required from any court or the Judge thereof to do any of the acts herein set forth;

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of them the said parties of the second part their successors and assigns, IN FEE SIMPLE.

And the said party of the first part, for himself & his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said parties of the second part their successors, and assigns, against the lawful claims, of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand affixed his seal and delivered these presents, the day and year above written.

DEWAY C. BATEMAN  
\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

# EXHIBIT "I"

|                        |                            |
|------------------------|----------------------------|
| IN RE                  | NO. 47 FEBRUARY TERM, 1915 |
| VINEVILLE PRESBYTERIAN | BIBB SUPERIOR COURT        |
| CHURCH                 | PETITION FOR CHARTER       |

GEORGIA, BIBB COUNTY:  
TO THE SUPERIOR COURT OF SAID COUNTY:

Petition of T. S. Lowrey, G. T. Kinnett, C. O. Stone, and R. C. Corbin, all of said State and County, respectfully shows:

1st. That a Church has been established in Vineville, City of Macon, corner of Vineville Avenue and Culver Street, known as the Vineville Presbyterian Church.

2nd. That said first two named persons are Trustees for said Church, holding the title to the property in their names as such Trustees.

3rd. Petitioners desire for themselves and the other members of said Church, their associates and successors, to become incorporated as a religious society, under the name and style of the Vineville Presbyterian Church, and as such corporation to receive donations, and to own, hold and convey both personal and real estate.

4th. The sole object and purpose of the proposed corporation is to promote the cause of the Christian religion.

5th. The term for which petitioners ask to be incorporated is twenty years, with the privilege of renewal at the end of that time.

WHEREFORE, petitioners pray for themselves and their associates incorporation under the name and style of the Vineville Presbyterian Church, and with all the rights, privileges, immunities and restrictions provided by law.

THOS. B. WEST  
*Attorney for Petitioner*

ORDER  
IN BIBB SUPERIOR COURT.

It appearing to the Court that said petition has been duly filed, and is legitimately within the purview of the law, and that same has been duly advertised once a week for four weeks as provided by the Statute; it is ordered that said petition be granted as prayed for, and that petitioners for themselves and their associates and successors, be incorporated as a religious society under the name and style of the Vineville Presbyterian Church, and as such corporation, be empowered to receive donations, and to own, hold and convey both personal and real estate, and have generally all the rights, privileges, immunities, and restrictions pertaining to such religious corporation. In Open Court this 29 day of April, 1915

H. A. MATTHEWS, J.S.C.M.C.

(Recorded March 23, 1933) A



GEORGIA, BIBB COUNTY.  
TO THE SUPERIOR COURT OF SAID COUNTY.

1. That, on the 29th day of April, 1915, T. S. Lowry, G. T. Kinnett, C. O. Stone and R. C. Corbin all of said state and county, and their associates and successors, by order of this Honored Court, were incorporated, as a religious society, under the name and style of the Vineville Presbyterian Church, for a term of twenty (20) years, with the privilege of renewal at the end of that term; the sole object of said incorporation being the promotion of the Christian religion;

2. That said incorporators, their associates and successors, have continued to perform the object of said incorporation, ever since the date of said incorporation, aforesaid, and untill the present time, in ignorance of the expiration of the term of said incorporation, which expired on the 29th day of April, 1935;

3. That it is the desire of the officers and members of said church to continue to carry the purposes thereof, under said order of incorporation and, to that end, it is their desire that said charter may be revived and renewed for a term of Thirty-five (35) years, from and after the date of the expiration of said charter, to-wit: on the 29th day of April, 1935.

WHEREFORE, petitioners pray, for themselves, their associates and successors, that said charter may be revived and renewed, as aforesaid, with all of the rights, powers, privileges and immunities, which were granted to their predecessors by said original order of incorporation.

ANDERSON & ANDERSON  
*Attorneys for Petitioners.*

Macon, Ga., March 10, 1938

WHEREAS, it appears that the charter, which was granted to the Vineville Presbyterian Church, of Macon, Georgia, by the Superior Court of Bibb County, Georgia, on the 29th day of April, 1915, for a period of twenty (20) years, expired on the 29th day of April, 1935; and that the Session and Members of said Church have continued, since the expiration of said charter, to operate said Church, in ignorance of the expiration of said charter;

AND WHEREAS, it is the desire of the Session and Members of said Church that said charter should be revived;

IT IS, THEREFORE, RESOLVED, by the Session of said Church, in meeting duly assembled, the Trustees of said Church, to-wit: Herbert I. Smart, W. Morris Brown and W. W. Hackett be as they are hereby authorized and directed to take all steps and incur all expense necessary to procure, in a legal and proper manner, a reviver of said charter, for another term of years.

GEORGIA, BIBB COUNTY.

The undersigned, the Clerk of the Session of the Vineville Presbyterian Church, hereby certifies that the foregoing is a true and correct copy of the resolution, which was duly adopted by the Session of said Church, at a meeting thereof, duly and legally called for the purposes indicated therein, and that a quorum of said Session was present at said meeting.

Given under my official hand this the 10th day of March 1938.

B. W. HOLTZELAR

*Pro-tem Clerk of Ses-  
sion, Vineville Presby-  
terian Church.*

# ORDER

It appearing to the Court that the "Vineville Presbyterian Church" was duly and legally incorporated, by this Court, on the 29th day of April, 1915, for a term of twenty (20) years, with the privilege of renewal at the expiration thereof; and that the incorporation thereof and their successors and associates have continued to carry on the objects of said incorporation, since the expiration of the term thereof, in ignorance of the expiration of the term of said incorporation; and that a revivor and renewal of said charter has been duly authorized by legitimate corporate action; and that the foregoing petition is legitimate within the purview and intention of the law of this state;

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that said charter be and the same is hereby revived and renewed for a term of thirty-five (35) years from the 29th day of April, 1935, with all of the powers, privileges and immunities provided by law in such cases.

This the 31 day of Jany. 1939

MALCOLM D. JONES,  
J.S.C.M.C.

(Recorded March 22-1939)

## EXHIBIT K

STATE OF GEORGIA, BIBB COUNTY.

THIS INDENTURE, Made the 28th day of March in the year of our Lord One Thousand Nine Hundred and Ten between T. S. Lowry and G. T. Kinnett as Trustees of the Vineville Presbyterian Church of the County of Bibb State of Georgia, of the one part, and The Trustees of Mercer University of the County of Bibb State of Georgia of the other part:

WITNESSETH, That the said T. S. Lowry and G. T. Kinnett as Trustees aforesaid for and in consideration of the sum of Six Thousand (\$6000.00) Dollars in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, convey and confirm unto the said The Trustees of Mercer University, its successors and assigns that lot or parcel of land situate, lying & being in the Vineville District of Bibb County, Georgia, beginning at a point where Culver Street intersects Vineville Avenue and running along the East side of said Culver Street a distance of two hundred and ten (210) feet more or less, to an alley, thence along said alley a distance of one hundred (100) feet; thence at right angles to said alley along a line parallel to Culver Street a distance of two hundred and ten (210) feet more or less to Vineville Avenue, thence along said Vineville Avenue a distance of one hundred (100) feet to the point of beginning, said lot being a part of the land which was conveyed to Richard H. Moore and John L. Culver by J. O. Moore by deed dated January 16th, 1899 and recorded in Book 96, folio 665 in the Office of the Clerk of the Superior Court of Bibb County. This deed being executed in pursuance of authority conveyed by a congregational

meeting of the Vineville Presbyterian Church, held March 6th, 1910.

TO HAVE AND TO HOLD the said bargained premises, with all the rights and appurtenances thereto appertaining to the only proper use and behoof of said party of the second part, its successors and assigns, in FEE SIMPLE; and the said party of the first part the said bargained premises unto the said party of the second part, its heirs, executors, administrators, successors and assigns against the said party of the first part, their heirs, executors and administrators, and against all and every other person or persons, shall and will warrant and forever defend by virtue of these presents.

THIS CONVEYANCE is intended to pass the title of the property described into the said party of the second part, the debt hereby secured being one certain note and ten interest coupons, all of even date herewith. Said note being for the principal sum of Six Thousand (\$6,000.) Dollars, United States Gold Coin of the present standard of weight and fineness, payable five years from date to the order of The Trustees of Mercer University at any Bank in Macon, Ga. and said interest coupons being for the sum of One Hundred and Eighty Dollars, each in like coin, payable semi-annually, to-wit: on the 28th days of September and March in each year to The Trustees of Mercer University on order at any Bank in Macon, Ga. The said party of the first part hereby agrees to fully insure and keep fully insured the property herein conveyed and to pay all taxes due or to become due on the same, and all taxes or assessments that may be levied or made and if said party of the first part shall fail to pay the premiums for insurance on said property or any said taxes or assessments, and said party of the second part, or assigns, shall pay such premiums or taxes, then this deed shall stand as security for the same, with interest on the premiums paid at eight per cent. per annum, and on the taxes paid as now



fixed by law, and above stipulated, in addition to the debt hereinbefore mentioned; should any tax be imposed on this instrument or on the indebtedness secured hereby, by or within the State of Georgia, in division and reduction of the tax on real estate conveyed by this instrument, then, at the option of the lawful holder of this deed, the whole principal, with interest then accrued and other sums secured hereby, shall at once become due and payable and the holder may proceed to collect the same by process, as provided by law or otherwise, as such holder may elect; and said party of the first part agree if any of said notes are not paid when due, according to the tenor thereof, and such default continue for thirty days, or if said premiums are not promptly paid, or said taxes, or assessments are not paid before same become delinquent, then the whole of said debt shall become due and payable, at the option of the holder, time being the essence of the contract, and said party of the second part, agent or representative, or assigns, or the Sheriff of Bibb County, may, and are hereby authorized to proceed at once to sell at the court house door in Bibb County, to the highest bidder for cash, all of said property, or a sufficiency thereof, at the option of the holder hereof, to pay all the indebtedness herein referred to, with interest and insurance premiums and taxes, if any, with interest and all expenses of this proceeding including ten per cent attorney's fees, if incurred, after advertising the time, place, and terms of sale, in the newspaper in which the Sheriff's sales of Bibb County are advertised, once a week for four weeks, with the right to said party of the second part, its assigns, or holder of this indebtedness, to bid on and purchase said property at such sale. And said party of the second part, its agents, representatives, or assigns, holder as aforesaid, or the Sheriff of Bibb County, are authorized to make to the purchaser of said property FEE SIMPLE titles to the same, thereby divesting out of the said party of the first part all right and equity that they may have, or may

hereafter have, in and to said property, and vesting the same in the purchaser thereof. The proceeds of said sale are to be applied, first, to the payment of the said debt and interest, said premiums and taxes, if any, with interest, ten per cent. attorney's fees, if incurred, and the expenses of this proceeding, and the remainder, if any, to be paid to said party of the first part, or agents or representatives.

The said party of the second part, its agent, representative or assigns, or the Sheriff of Bibb County shall be authorized to proceed summarily to put the purchaser in possession, the said party of the first part agreeing to surrender the same without let or hindrance of any kind.

But the foregoing powers for realizing on this security are cumulative only of the remedies to which said party of the second part is entitled under the laws of Georgia, and if said party of the second part shall so elect, this conveyance shall be considered as a mortgage, and can be foreclosed as by statute in such cases, made and provided. Receipt of the bond to Reconvey in compliance with the Statute, is hereby acknowledged.

IN WITNESS WHEREOF, Said T. S. Lowry and G. T. Kinnett as Trustees of the Vineville Presbyterian Church have hereunto set their hands and seals and delivered these presents, the day and year first above written.

*Signed, sealed and delivered in presence of*

B. J. DASHER

THOS. B. WEST, Not. Pub. Bibb Co., Ga.

T. S. LOWRY as Trustee of the  
Vineville Presbyterian Church

[L.S.]

G. T. KINNETT as Trustee of the  
Vineville Presbyterian Church,

[L.S.]

RECORDED April 1st, 1910

## EXHIBIT L

STATE OF GEORGIA, BIBB COUNTY,

THIS INDENTURE, Made the 16th day of August in the year of our Lord One Thousand Nine Hundred and ten between T. S. Lowry and G. T. Kinnett as Trustees of Vineville Presbyterian Church of the County of Bibb State of Georgia, of the one part, and The Trustees of Mercer University of the County of Bibb State of Georgia of the other part:

WITNESSETH, That the said T. S. Lowry and G. T. Kinnett as Trustees aforesaid for and in consideration of the sum of One Thousand (\$1000) Dollars in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, convey and confirm unto the said The Trustees of Mercer University its successors and assigns That tract of land in Vineville, now in the City of Macon on the corner of Vineville Avenue and Culver Street, and particularly described in a Deed to secure Debt between the same parties, dated March 20th, 1910 and recorded in the Office of the Clerk of Bibb Superior Court in Book 124, folio 338, to which said deed this deed is second and inferior.

This deed being executed in pursuance of resolutions adopted at a congregational meeting of said Vineville Presbyterian Church, August 6th 1910.

TO HAVE AND TO HOLD the said bargained premises, with all the rights and appurtenances thereto appertaining to the only proper use and behoof of said party of the second part, its successors and assigns, in FEE SIMPLE; and the said party of the first part the said bargained premises unto the said party of the second part, its successors and assigns against the said party of the first part, their heirs,

executors and administrators, and against all and every other person or persons, shall and will warrant and forever defend by virtue of these presents.

THIS CONVEYANCE is intended to pass the title of the property described into said party of the second part for the purpose of securing a debt same being one certain note and ten interest coupons, all of even date herewith. Said note being for the principal sum of One Thousand (\$1000) Dollars, United States Gold Coin of the present standard of weight and fineness, payable five years from date to the order of The Trustees of Mercer University at any bank in Macon Ga. and said interest coupons being for the sum of Thirty (\$30.00) Dollars, each one payable semi-annually, to-wit: on the 16th days of February and August in each year to The Trustees of Mercer University or order at any bank in Macon Ga. The said party of the first part hereby agrees to fully insure and keep fully insured the property herein conveyed and to pay all taxes due or to become due on the same, and all taxes or assessments that may be levied or made and if said party of the first part shall fail to pay the premiums for insurance on said property or any said taxes or assessments, and said party of the second part, or assigns, shall pay such premiums or taxes, then this deed shall stand as security for the same, with interest on the premiums paid at eight per cent per annum, and on the taxes paid as now fixed by law, and above stipulated, in addition to the debt hereinbefore mentioned; should any tax be imposed on this instrument or on the indebtedness secured hereby, by or within the State of Georgia, in division and reduction of the tax on real estate conveyed by this instrument, then, at the option of the lawful holder of this deed, the whole principal, with interest then accrued and other sums secured hereby, shall at once become due and payable and the holder may proceed to collect the same by process, as provided by law or otherwise, as such holder may elect; and said party of the first part agrees if any of said notes are



not paid when due, according to the tenor thereof, and such default continue for thirty days, or if said premiums are not promptly paid, or said taxes, or assessments are not paid before same become delinquent, then the whole of said debt shall become due and payable, at the option of the holder, time being the essence of the contract, and said party of the second part, its agent or representative, or assigns, or the Sheriff of Bibb County, may, and are hereby authorized to proceed at once to sell at the court house door in Bibb County, to the highest bidder for cash, all of said property, or a sufficiency thereof, at the option of the holder hereof, to pay all the indebtedness herein referred to, with interest and insurance premiums and taxes, if any, with interest and all expenses of this proceeding, including ten per cent. attorney's fees, if incurred, after advertising the time, place, and terms of sale, in the newspaper in which the Sheriff's sales of Bibb County are advertised, once a week for four weeks, with the right to said party of the second part, its assigns, or holder of this indebtedness, to bid on and purchase said property at such sale. And said party of the second part, its agents, representatives, or assigns, holder as aforesaid, or the Sheriff of Bibb County, are authorized to make to the purchaser of said property FEE SIMPLE titles to the same, thereby divesting out of the said party of the first part all right and equity that they may have, or may hereafter have, in and to said property, and vesting the same in the purchaser thereof. The proceeds of said sale are to be applied, first, to the payment of the said debt and interest, said premiums and taxes, if any, with interest, ten per cent. attorney's fees, if incurred, and the expenses of this proceeding, and the remainder, if any, to be paid to said party of the first part, or agents or representatives.

The said party of the second part, its agent, representative or assigns, or the Sheriff of Bibb County shall be authorized to proceed summarily to put the purchaser in

possession, the said party of the first part agreeing to surrender the same without let or hindrance of any kind.

But the foregoing powers for realizing on this security are cumulative only of the remedies to which said party of the second part is entitled under the laws of Georgia, and if said party of the second part shall so elect, this conveyance shall be considered as a mortgage, and can be foreclosed as by statute in such cases, made and provided. Receipt of the bond to Reconvey in compliance with the Statute, is hereby acknowledged.

IN WITNESS WHEREOF, Said T. S. Lowry and G. T. Kimett as Trustees aforesaid hath hereunto set their hands and seals and delivered these presents, the day and year first above written.

*Signed, sealed and delivered  
in presence of*

C. O. STONE

THOS B. WEST Not. Pub.  
Bibb Co. Ga.

T. S. LOWRY Trustee  
Vineville Pres. Ch.  
.....[L.S.]

G. T. KINNETT Trustee  
Vineville Pres. Ch.

.....[L.S.]  
RECORDED Aug 20, 1910



## EXHIBIT M

STATE OF GEORGIA,  
BIBB COUNTY.

THIS INDENTURE, Made this 17th day of May, 1915 by and between Vineville Presbyterian Church by its Trustees, G. T. Kinnett, T. S. Lowry and C. O. Stone, of the County of Bibb State of Georgia, party of the first part and GEORGE K. JOHNSON and JOHN W. HAMER, both of the City of Philadelphia, Pennsylvania, as trustees for the payee or payees or holder or holders of the note hereinafter described, parties of the second part, witnesseth:

That the Penn Mutual Life Insurance Company of Philadelphia, Pennsylvania, has this day loaned said party of the first part the sum of Three Thousand (\$3,000.00) Dollars, evidenced by the promissory note as hereinafter described of the said party of the first part, of even date herewith, whereby said party of the first part hath promised to pay to the said The Penn Mutual Life Insurance Company, the amount set out herein at the times set out hereinafter, without grace, at the office of the said The Penn Mutual Life Insurance Company in the City of Philadelphia, Pennsylvania, in gold coin of the United States of America of the present standard of weight and fineness, with interest thereon at the rate of six per cent. per annum, payable semi-annually in like gold coin.

The time of the payments of said principal and interest are as follows, each without grace: \$300.00 of said principal on November 1st, 1915, \$600.00 each on November 1st, 1916, 1917, 1918 and 1919, and \$300.00 on November 1st, 1920.

And

Interest on the unpaid balance of said note on the 1st days of November and May of each year at the rate of six per cent per annum.

Now, in consideration of the premises, and in order to secure the said indebtedness under the terms and conditions stated in said note and in this instrument hereinafter and after contained, and in consideration of the further sum of Ten Dollars, in hand paid to the said party of the first part by the parties of the second part at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, the said party of the first part doth hereby grant, bargain, sell, and convey unto the said parties of the second part, their successor or successors in trust, all of the following described real estate, to-wit:

All that lot or parcel of land situate, lying and being in the Vineville District of Bibb County, Georgia, beginning at a point where Culver Street and Vineville Avenue intersects, and running along East side of Culver Street a distance of two hundred and ten (210) feet, more or less to an alley; thence along said alley a distance of one hundred (100) feet; thence at right angles to said alley along a line parallel to Culver Street a distance of two hundred and ten (210) feet, more or less to Vineville Avenue; thence along said Vineville Avenue a distance of one hundred (100) feet to point of beginning; said lot being a part of land which was conveyed to Richard H. Moore and John L. Culver by J. O. Moore by deed dated January 16th, 1899, and recorded in Book 96, folio 663, Clerk's Office, Bibb Superior Court, together with the pews and all fixtures now installed in the Church upon said lot.

TO HAVE AND TO HOLD the said bargained premises, with all and singular the rights, members and appurtenances thereunto pertaining or belonging and including all buildings, outhouses, fixtures, and improvements thereon, unto the said parties of the second part, their successor or successors in trust or their assigns in fee simple forever.

This conveyance is made to the said parties of the second part in trust, however, under the terms hereof for the benefit and security of the payee or payees or holder or holders of the note hereinbefore set forth; and in case of default, for the purpose of enforcing the performance and observation by said party of the first part of all the covenants and agreements and in said principal note contained; and as set forth in the bond to reconvey of this date, executed and delivered by the said parties of the second part, which said bond to reconvey is hereby incorporated in and made of this instrument.

For the purposes of said trust, it is the intention of said party of the first part to convey to said parties of the second part the absolute title to the above described property in fee simple; and the said party of the first part hereby covenants and represents that it is lawfully seized of title and possession of said property; has a good right to convey it; that it is unencumbered; that it warrants the same to said parties of the second part, their successor or successors in trust, against the lawful claims of all persons whomsoever.

It is agreed that in event the said party of the first part shall fail to keep, observe carry out and execute in every particular the obligation, stipulations, conditions, and covenants set out in this instrument and said note and the bond to reconvey, which is, with all of its obligations, stipulations, conditions, covenants, and agreements incorporated as a part of this instrument, it shall be and is hereby made the option of the said parties of the second part, their successor or successors in trust, to declare all of the indebtedness secured by this instrument to be due and payable at once.

It is further agreed that the said indebtedness shall draw interest at the rate of eight per centum per annum after maturity, whether in course or by default.

The said party of the first part further covenants and agrees that in case the debts secured shall not be paid in full when they become due by maturity in due course or by reason of the default above provided, the parties of the second part may enter upon said premises and collect the rents and profits thereof, may sell the said property at auction at the court-house door in City of Macon, in said County and State to the highest bidder for cash, first giving four weeks' notice of the time, terms and place of sale by advertising once a week in a daily newspaper published in City of Macon, all other notice being hereby waived by the said party of the first part; and thereupon to execute and deliver to the purchaser at said sale a sufficient conveyance of said premises in fee simple, which said conveyance shall contain a recital as to the happening or default upon which execution of the power to sell herein granted depends. And the said party of the first part hereby constitutes and appoints said parties of the second part, or either of them, their agents or attorneys in fact, to make such recital, and hereby covenants and agrees that the recital so to be made by the said parties of the second part shall be binding and conclusive upon its successors and assigns. And the conveyance to be made by said parties of the second part shall be effectual to bar all equity or redemption of the said party of the first part, its successors in interest, in and to said premises. The said parties of the second part shall collect the proceeds of said sale, and have reserved therefrom the entire amount of principal and interest due, together with the amount of taxes, assessments, premiums of insurance theretofore paid by said parties of the second part with eight per cent. interest per annum from the date of payment, together with all cost and expense of sale and ten per cent. upon the aggregate amount due or said trustees' compensation, and ten per cent. upon the aggregate amount due for compensation to the attorneys representing said trustees. And shall pay over any surplus to the party of the first



part, its successors or assigns. And said parties of the second part, their successors or assigns, may purchase at said sale, and execute and deliver to themselves conveyance as therein provided as though they were strangers to this instrument.

And the said party of the first part further covenants and agrees that the powers of attorney hereinbefore and after stipulated, together with all the powers of this instrument set out and delegated to the said parties of the second part, may be assigned and delegated and redelegated to the said parties of the second part, and shall apply to their successors in office with equal power in them to assign and delegate and redelegate said powers, and that any purchaser of said note may, at his option, by the fact of purchased, become possessed of all the powers and authority herein set forth and conferred upon said parties of the second part.

The said party of the first part further covenants that the relation with the said parties of the second part, during the term of this instrument, shall be that of tenant under the said parties of the second part; and in case of a sale as hereinbefore provided, or by foreclosure by process of law, the party of the first part, or any one claiming under the said party of the first part, shall then become and be a tenant or tenants holding over, and shall forthwith deliver possession at said sale or be summarily dispossessed according to the provisions of law applicable to tenants holding over.

The foregoing provisions however are cumulative of the remedies allowed by law, and in the event that the parties of the second part institute any proceedings in any court to enforce their rights, or the right of the payee or holders of said note or exercise the powers herein conferred, or shall take legal assistance in discharging their said trust, they shall be entitled to receive such compensation for said services in an amount equal to ten per

cent of the principal and accrued interest then due, which shall be secured hereby and be paid by the said party of the first part, together with and in addition to ten per cent due as attorney's fees.

It is agreed that in case of removal, resignation or incapacity of said trustees, or either of them, for any cause whatsoever, or in case of any vacancy in the office of said trustees, the owner of said note shall have the right to appoint in writing, a successor or successors without any order of any court or consent of the party of the first part, or other formality. It is further agreed that in case of death, removal, resignation, or incapacity of either of said trustees, and no appointment is made to fill said vacancy, the remaining trustee may discharge all the duties of the office. And in case of such appointment, all the estate, rights, powers and privileges hereby conveyed shall vest in said new trustees upon their acceptance of said trust endorsed in writing upon this indenture, without other formality.

The party of the first part agrees that all insurance carried or which may be carried upon the property above described is and shall be for the benefit of the said parties of the second part, their successor or successors in trust.

It is further agreed that the said party of the first part will maintain insurance on the said premises to the amount of not less than Nine Thousand Five Hundred (\$9,500.00) Dollars against loss by fire or lightning, with loss payable to the parties of the second part; said insurance to be maintained in such companies as the said parties of the second part may select from time to time.

It is further agreed that in the event the said party of the first part fails to maintain said insurance on said property in such company or companies as the parties of the second part, their successors or assigns, may from time to time select, the said parties of the second part, their



successors or assigns, may take out such insurance and the premiums so paid will become a part of the debt secured hereby, and such sums so paid shall bear interest at eight per cent per annum. This may also declare said indebtedness to be immediately due.

In case the parties of the second part elect, in accordance with the authorization of this loan deed, to advance insurance premiums or taxes, the receipt of an official of the insurance company in which such insurance is placed shall, with respect to any such insurance premiums, be conclusive evidence as between the parties to this loan deed of the amount and the fact of payment thereof; and the receipt of the proper public official shall, with respect to the taxes, be conclusive evidence between the parties to this conveyance of the amount and validity, and the fact of payment of same.

The party of the first part will pay all taxes which may be assessed upon the said land premises or property; or upon the parties of the second part's interest therein; or upon this trust deed or the moneys secured hereby without regard to any law heretofore enacted, or hereafter to be enacted, imposing payment of the whole or any part thereof upon the parties of the second part, excepting only the Federal Income Tax. Upon violation of this undertaking, or the passage by the State of a law imposing payment of the whole or any portion of any of the taxes aforesaid upon the parties of the second part, or upon the rendering by any court of competent jurisdiction of a decision that the undertaking by the party of the first part as herein provided to pay any tax or taxes is legally inoperative, then and in any such event the debt hereby secured without any deduction, shall, at the option of the parties of the second part, become immediately due and collectible, notwithstanding anything contained in this trust deed or any law hereafter enacted.

Contemporaneous with this instrument is executed and delivered by the said parties of the second part to said party of the first part a bond to reconvey, made to conform to Sections 3306 to 3317, inclusive, of the Code of Georgia of 1910.

In witness whereof the said party of the first part hath thereunto set its hand and seal on the day and year first above written as the date hereof.  
Signed, sealed and delivered in presence of:

Alice Cody

Vineville Presbyterian  
Church by its Trustees.

Roland T. Mahone,

T. S. Lowry (L.S.)

Notary Public, Bibb Co. Ga.  
(Not. Seal) Com.

C. T. Kinnett (L.S.)

Expires Mch. 13, 1916.

C. O. Stone (L.S.)

Recorded May 26th, 1915.

## EXHIBIT "N"

RECORD BOOK NO. 472/237

## STATE OF GEORGIA, COUNTY OF BIBB

THIS INDENTURE, made this first day of January in the year of our Lord One Thousand Nine Hundred and Forty between HERBERT I. SMART, CLAUDE M. TRAWICK, and W. W. HACKETT, as Trustees for the Vineville Presbyterian Church of the State of Georgia and County of Bibb hereinafter called the "first party," and The Georgia Industrial Home of the State of Georgia and County of Bibb hereinafter called the "second party."

WITNESSETH: That the first party, for and in consideration of the sum of FIVE THOUSAND AND NO/100 (\$5,000.000) DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell, convey and confirm unto the second party, all that tract or parcel of land, lying and being in the Vineville District of Bibb County, Georgia, beginning at a point where Culver Street and Vineville Avenue intersect, and running along East side of Culver Street a distance of two hundred and ten (210) feet, more or less to an alley; thence along said alley a distance of one hundred (100) feet; thence at right angles to said alley along a line parallel to Culver Street a distance of two hundred and ten (210) feet, more or less to Vineville Avenue; thence along said Vineville Avenue a distance of one hundred (100) feet, to point of beginning; said lot being a part of land which was conveyed to Richard H. Moore and John L. Culver by J. O. Moore by deed dated January 16th, 1899, and recorded in Book 96, folio 665, Clerk's Office, Bibb Superior Court; and being the same property which was conveyed under deed dated July 15, 1908 by Richard H.

Moore and John L. Culver to T. S. Lowry and G. T. Kinnett, as trustees of the Vineville Presbyterian Church, which deed is recorded in the Clerk's Office, Bibb Superior Court in Book 147, Folio 456.

This deed is executed in pursuance of authority conveyed by a congregational meeting of the Vineville Presbyterian Church, November 26, 1939, of which due notice was given and at which a quorum was present, a resolution being adopted unanimously to execute the same.

It is agreed that the parties of the first part have the right to pay any denomination of two hundred and fifty (\$250.00) dollars on the balance due at any interest paying date, together with the accrued interest due on said date, so as to reduce or pay the principal balance in full; and in such event of payment, interest from that date shall be on the unpaid principal balance, if not paid in full.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereunto belonging or in any wise appertaining to every proper use, benefit and behoof of the second party forever IN FEE SIMPLE;

And the first party will warrant and forever defend the right and title to the above described property unto the second party against the lawful claims and demands of all persons whomsoever.

THIS INSTRUMENT is intended by the parties hereto and is to be construed as a deed passing title, and is made under the provisions of section 3306 et seq. and section 6037 of the Code of Georgia of 1910, to secure the payment of a debt, evidenced by certain promissory notes executed this day by the said first party, and payable to the said second party, or order, and being further described as follows:

one principal note for five thousand dollars of which \$2,500.00 is due in installments of \$250.00 payable on



the first days of April and October in the years 1940, 1941, 1942, 1943, and 1944, and the other half, \$2,500.00 is due on January 1, 1945;

interest notes for the unpaid principal balance, the first of which is due April 1, 1940 and due on the first days of April, July, October, and January of the years 1940, 1941, 1942, 1943 and 1944, and the last on January 1, 1945, at the rate of 6% per annum.

Together with such other notes as may be given in renewal or extension of any or all of the above described notes.

The above notes provide for the payment of all costs of collection, including ten per cent of the principal and interest as attorney's fees.

The first party hereby covenants and agrees with the second party:

To keep the said property insured during the continuance of this loan and to pay the premiums of insurance when due; to pay all taxes on said property when the same fall due and before the levy or advertisement of any tax execution thereon; that if any interest note is not promptly paid when the same becomes due (time being hereby expressly made of the essence) or should the first party fail to pay any insurance premium or the taxes as aforesaid, then the entire principal of said debt shall become due and payable at once if the second party shall so elect; that if the above debt or any part thereof, is not promptly paid at maturity, or if said party shall fail to pay the insurance premiums and taxes as aforesaid, then the said second party, or the second party's legal representative or assignee, immediate or remote, may and by these presents is authorized to sell at public outcry, before the courthouse door of the county in which said real estate is situated, in whole or in part, to the highest bidder for cash, all of said property to pay said principal with the

interest thereon to the date of sale, and expenses of the proceedings, including 10 per cent attorney's fees, if incurred, on the amount of the principal and interest due, after advertising the time, place and terms of sale in any newspaper published in the county in which the sale of said real estate is to be made as aforesaid, once a week for four weeks prior to said date of sale, and it is hereby stipulated that the foregoing power of sale being coupled with and interest shall be irrevocable by the death of either party thereto; and the second party, representative or assignee, so desiring, may bid at said sale and may make to the purchaser or purchasers of the said property good and sufficient titles in Fee-Simple thereto, thereby divesting out of the first party all right and equity that the first party may have in and to said property, and, vesting the same in the purchaser or purchasers aforesaid. The proceeds of said sale are to be applied first to the payment of said debt and interest, also all taxes and premiums of insurance that may have been paid on said property by the second party, and the expenses of said proceedings, the remainder, if any, to be paid to the first party. The party exercising this power of sale shall be authorized to proceed summarily to put the purchaser or purchasers in possession, the first party covenanting and agreeing to surrender the same without let or hindrance of any kind. The method of sale hereinbefore provided for shall be cumulative of other remedies allowed by law.

All agreements, covenants, duties, rights and powers herein made, imposed, granted or mentioned, which are binding upon or applicable to either or both of the parties hereto, shall also be binding upon and applicable to the heirs, legal representatives, successors and assigns of such party or parties.



IN WITNESS WHEREOF, The first party has signed, sealed and delivered these presents, the day and year first above written.

All signatures, Signed, sealed and delivered in the presence of:

J. C. BURNS JR.  
T. AYER HATCHER  
Notary Public,  
State of Ga.  
at Large

|                   |        |
|-------------------|--------|
| HERBERT I. SMART  | (SEAL) |
| CLAUDE M. TRAWICK | (SEAL) |
| W. W. HACKETT     | (SEAL) |

as trustees for  
the Vineville  
Presbyterian Church

Recorded Jan. 5, 1940  
LL.

# EXHIBIT O

GEORGIA, BIBB COUNTY

THIS INDENTURE made this 15th day of September, 1956, between VINEVILLE PRESBYTERIAN CHURCH, of Bibb County, Georgia, hereinafter called Grantor, which term, wherever herein used, shall include the heirs, executors, administrators and assigns of such Grantor, and HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF MACON, a body corporate under the laws of the United States having its principal office and place of business in the City of Macon, Bibb County, Georgia, hereinafter called Grantee, which term, wherever herein used, shall include its successors and assigns;

WITNESSETH, That Grantor, in consideration of the sum of Twenty-One Thousand and 00/100 Dollars in hand paid by Grantee, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, assign and convey to Grantee: All that certain real estate in Bibb County, Georgia in the Vineville District, beginning at a point where Culver Street and Vineville Avenue intersect, and running along East side of Culver Street a distance of 210 feet, more or less, to an alley; thence along said alley a distance of 100 feet; thence at right angles to said alley along a line parallel to Culver Street a distance of 210 feet, more or less, to Vineville Avenue; thence along said Vineville Avenue a distance of 100 feet to point of beginning; said lot being a part of the land which was conveyed to Richard H. Moore and John L. Culver by J. O. Moore by deed dated January 16, 1899, and recorded in Book 96, folio 663, Clerk's Office, Bibb Superior Court, and also being the same land which was conveyed to Vineville Presbyterian

Church by quit-claim deed dated June 19, 1915, by T. S. Lowry and G. T. Kinnett and recorded in Book 192, folio 725, said clerk's office.

GEORGIA INTANGIBLE TAX  
PAID

\$63.00

9-15-56

Dan D. Dunwody  
Tax Collector/Commissioner  
Bibb County

This conveyance includes, in addition to said real estate, all air conditioning units, heating, plumbing, expressly including all heaters and tanks, lighting fixtures, screens, blinds and all equipment of every kind now or hereafter attached or used in connection with improvements on said real estate, it being the intention of Grantor that all of such items shall be treated as a part of said real estate.

To have and to hold all of said property, together with all rights, members and appurtenances thereof, to Grantee in fee simple, and Grantor warrants that he is the owner thereof, has a good title thereto, and a right to convey the same and that it is unencumbered and he will forever defend the title of Grantee against the lawful claims of all persons whomsoever.

This instrument is a deed passing title and is made under the provisions of the laws of the State of Georgia to secure a debt evidenced by a note of even date herewith made by Grantor to Grantee for the principal sum of Twenty-One Thousand and 00/100 Dollars (\$21,000.00), payable in Sixty (60) equal consecutive monthly in-

stallments of Three Hundred Ninety-Six and 31/100 Dollars (\$396.31), beginning October 15, 1956.

This instrument shall secure the indebtedness herein described and any extensions or renewals thereof in whole or in part, whether evidenced by new notes, extension agreements or otherwise, the obligation to pay attorneys' fees as provided in any such note or agreement and also any other advances which may be made by Grantee to or on behalf of Grantor and any other indebtedness by Grantor to Grantee however the same may be created.

Grantor may prepay all or any part of the indebtedness hereby secured without penalty except that if the amount prepaid in any calendar year exceeds twenty per cent (20%) of the original principal amount of this indebtedness, Payee may require the payment of not more than six (6) months' advance interest on such excess.

Grantee shall be subrogated to the claims and liens of all persons whose claims or liens are discharged with the proceeds of this loan or any other advances to, or on behalf of, Grantor.

Grantor waives and renounces for himself and family all homestead and exemption rights under the Constitution and laws of this State or the United States.

Grantor agrees that he will promptly pay all taxes, assessments, other governmental levies, and charges of every character that may accrue against said property; that he will keep the house on said premises insured by a policy containing fire and lightning and extended coverage insurance and any other coverage required by Grantee in at least the amount of his indebtedness to Grantee in an insurance company or companies acceptable to Grantee with loss payable clause in favor of, and in form acceptable to, Grantee; that the policies will be deposited with Grantee; that if a loss occurs he will give immediate written notice to Grantee and Grantee may

make proof of loss if not made promptly by Grantor, and each insurance company concerned is hereby authorized and directed to make payment for such loss directly to Grantee instead of to Grantor and Grantee jointly, and the proceeds may be applied by Grantee at its option to the reduction or payment of the indebtedness hereby secured or to the restoration or repair of the damaged property, or partly to both; that he will maintain and keep the premises and all improvements thereon in first class condition and repair and will not commit or permit waste. Grantee may require life insurance to be procured and assigned to it by Grantor as additional collateral and Grantor agrees that he will deliver the policies to Grantee and that he will promptly pay all premiums thereon as they become due.

If required by Grantee, however, Grantor shall deposit monthly in advance, in addition to the installments herein required to be paid, one-twelfth of the yearly total reasonably estimated by Grantee to be required to pay all taxes, assessments, insurance, sewer rent, if any, and other charge against said property and life insurance premiums, in which event such charges shall be paid by Grantee from such fund, but any deficiency shall be immediately paid by Grantor on demand, and the same shall bear interest at 8% per annum from the date of demand. If Grantee has not required such deposits and Grantor shall default in paying any of said taxes or assessments or providing or paying for such insurance or making such repairs, Grantee may, at its option, pay such taxes or assessments or procure or pay for such insurance or make such repairs and all expenses so incurred shall be payable on demand, shall be payable on demand, shall be secured by this deed, and shall bear interest at 8% per annum from the time of disbursement by Grantee until repayment by Grantor.

Should Grantor default in the prompt payment of any amount secured hereby, or in the due and prompt observance by Grantor of any covenant or undertaking herein contained, and such default continue for thirty (30) days, all amounts secured hereby shall, at the option of Grantee, become immediately due and payable, time being of the essence of this agreement, and Grantee may enter upon said premises, take possession and collect the rents and profits thereof, and before or after entry may sell said described property or any part thereof in one or more sales on any day, whether legally designated for public sales or not, at public auction before the courthouse door in the county in which the property or any part of the same is situated to the highest bidder for cash, first giving notice of the time and place of said sale or sales by advertisement thereof once a week for four weeks in some newspaper published in said county, all other notice being hereby waived by Grantor, and thereupon Grantee may execute and deliver to the purchaser or purchasers sufficient conveyance of said property in fee simple, divesting all rights of Grantor, which conveyance shall contain recitals as to the happening of any default upon which the exercise of the power of sale depends, and said recitals shall be binding and conclusive upon Grantor. The power of sale shall not be exhausted until all of said property has been sold and a deed delivered to and accepted by the purchaser. Grantee, its agents, representatives, successors or assigns, may bid and purchase at any such sale and collect the proceeds thereof, which shall be applied: first, to pay the costs and expenses of said sale and the expenses of protecting the property; second, to pay the indebtedness hereby secured; and third, to pay the surplus, if any, to Grantor.

Grantor covenants that upon commencement of any legal proceeding to realize on the security of this instrument, Grantee may apply for and shall be entitled as a matter of right to the appointment of a receiver to take



charge of and hold said property and the rents, issues and profits thereof for the benefit of Grantee without consideration of the value of the property conveyed as security or the solvency of any person or persons obligated for the payment of such amounts, all without notice to Grantor.

The powers herein granted are coupled with an interest and are irrevocable by death or otherwise. All powers, rights and options herein granted are cumulative of any remedies to which Grantee may otherwise be entitled under the laws of Georgia.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and affixed its seal, the day and year above written.

VINEVILLE  
PRESBYTERIAN  
CHURCH

By:.....(SEAL)  
Herbert I. Smart

.....(SEAL)  
Robert E. Lucas

.....(SEAL)  
A. Emmett Barnes, III

TRUSTEES

Signed, sealed and delivered in the presence of

FRANCES S. HIGDON

GEORGE E  
Notary Public, Georgia, Bibb County

NOTARY PUBLIC, GEORGIA, RESIDING IN  
BIBB COUNTY  
MY COMMISSION EXPIRES JUNE 30, 1958

GEORGIA, Bibb County,  
Clerk's Office Superior Court  
Filed for Record Sep. 15,  
1956 at 12<sup>10</sup> o'clock pm.  
Recorded Sep 17, 1956  
Clerk

## EXHIBIT P

## STATE OF GEORGIA, BIBB COUNTY.

IN CONSIDERATION OF Sixty-five Thousand Dollars to it paid, receipt of which is hereby acknowledged, VINEVILLE PRESBYTERIAN CHURCH, a corporation of the County of Bibb and State of Georgia hereinafter referred to as Grantor, has this day bargained and sold and does hereby transfer and convey unto MACON FEDERAL SAVINGS AND LOAN ASSOCIATION, a body corporate under the laws of the United States having its principal office and place of business in the City of Macon, County of Bibb and State of Georgia, its successors and assigns, hereinafter referred to as Grantee, the following described property, to-wit:

## TRACT No.1

All that tract or parcel of land in the City of Macon, Bibb County, Georgia, and being part of the Culver Property as shown by a plat of record in Book 130, folio 817, Clerk's Office Bibb Superior Court; said property being more particularly described with reference to said plat as beginning at the northeast intersection of Vineville Avenue and Culver Street, and from said beginning point running in a generally southeasterly direction a distance of one hundred eighty-one (181) feet along the northerly right of way line of Vineville Avenue; thence running in a northerly direction a distance of two hundred sixty-four (264) feet to a 12-foot alley; thence in a westerly direction a distance of two hundred twelve and two-tenths (212.2) feet to Culver Street; thence in a southerly direction a distance of two hundred ten (210) feet, more or less, to the right of way line of Vineville Avenue and the point of beginning.

## TRACT No. 2

All that tract or parcel of land in the City of Macon, Bibb County, Georgia, being a part of the Culver Property, and being more particularly described as follows: Beginning at a point two hundred two (202) feet from the northeast corner of Vineville Avenue and Culver Street at a point where the northerly line of a 12-foot alley intersects Culver Street, and running thence northward along the east line of Culver Street seventy (70) feet; thence eastward at right angles a distance of two hundred twenty-five and five-tenths (225.5) feet; thence at right angles toward Vineville Avenue seventy (70) feet to a 12-foot alley; thence westward along said alley two hundred thirteen (213) feet to the starting point.

GEORGIA INTANGIBLE

Tax Paid

\$195.00

November 21, 1963

DAN D. DANWODY

Tax Collector—Commissioner  
Bibb County

This conveyance includes all air conditioning units, heating, plumbing (both hot and cold water and expressly covering heaters and tanks) and lighting fixtures, radio and television aerials and antennae and equipment and appliances of all kinds, now or hereafter attached to or used in connection with improvements on real estate herein described.

Grantee, its successors and assigns, to have and to hold said property and its appurtenances forever in Fee Simple.

Grantor warrants the title to said described property unto Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

This conveyance is intended to operate as provided in Sections 67-1301, 67-1307, 67-1501, and 37-607 of the Code of Georgia of 1933, and Acts of the General Assembly amendatory thereto, in regard to the sales of property to secure debts, and to pass the title to the property described unto Grantee, the debt hereby secured being one certain principal note of even date herewith and payable to the order of said MACON FEDERAL SAVINGS AND LOAN ASSOCIATION at the office of said Association in the City of Macon, State of Georgia, for the sum of Sixty-five Thousand Dollars, payable in 120 equal montly installments of \$697.40 each, beginning January 1, 1964, each installment being (a) a payment of interest for one month on the decreasing balance of principal of said sum; and (b) a payment on account of said principal sum, together with all extensions and renewals thereof in whole or in part, whether evidenced by new note, extension agreement or otherwise, and together also with the other obligations hereinafter described or referred to.

This instrument shall further secure any and all amounts, not secured by a lien on or title to other property, which by contract Grantor hereafter becomes indebted to Grantee prior to the payment of the last maturing installment of the above described note or any extension or renewal thereof where the evidence of indebtedness or other instrument executed by Grantee recites that it is secured by this instrument, provided that no such amount for which Grantor may hereafter become indebted to Grantee shall be secured hereby if such indebtedness arises subsequent to a sale by Grantor of the property hereby conveyed, or in the event a lien upon said property junior to this instrument has been created by Grantor, where written notice of such sale or lien has been given Grantee prior to the creation of such subsequent indebtedness.

Grantee shall be subrogated to all rights and liens of any person whose charge or lien shall be paid off out of proceeds of the indebtedness above described.

Grantor agrees to keep said personal property and all improvements now or hereafter erected on said land in good condition and repair and not to commit or permit waste; to promptly pay as same become due all taxes and assessment that may be liens on property conveyed hereby and to furnish Grantee, if demanded, evidence of such payment; and to keep all said property and improvements fully insured against fire and storm, and against war risk if demanded, for the benefit of Grantee, in such manner, amounts and companies as may be satisfactory to Grantee, and promptly deliver policies of such insurance and renewals thereof, to said Grantee, with evidence of payment of premiums.

In the event Grantor, his personal representative or assign, shall fail to pay any taxes or assessments that may be liens upon said property or shall fail to so deliver policies of insurance and renewals thereof, with evidence of payment of premiums thereon, then Grantee or the holder of this deed may pay such unpaid taxes and assessments and may have such insurance written and pay the premiums thereon; and all amounts so paid with interest at eight per centum per annum shall be secured by this deed and shall be repaid to the holder of this deed within ten days after such payment and all of this irrespective of whether or not a sale of the property has been made by Grantor or a junior lien created by Grantor thereon and notice of such sale or lien given to Grantee.

And should Grantee receive any money for damages covered by insurance, such money may be retained and applied toward the payment of any amount hereby secured or may be paid over, either whole or in part, to Grantor to enable Grantor to repair or replace improvements, or for any other purpose, without affecting the lien



of this deed for the full amount secured hereby before such damage or such payment over took place.

Should any tax be imposed on this instrument or on the indebtedness secured hereby, or should any amount secured hereby or interest thereon, or any premiums, taxes or assessments not be paid when due, or upon the actual or threatened demolition or removal of any property or of any improvements now or hereafter erected on premises conveyed hereby, or in case of default in the due observance of any covenant herein by Grantor, all amounts secured hereby shall, at the option of Grantee, at once become due and payable, time being of the essence of the contract.

Whenever the debt secured hereby or any part thereof shall be in default, either according to the tenor of any note or by virtue of any condition, herein, Grantee, its agent or legal representative, may enter upon and take possession of said property, and collect the rents and profits thereof and apply the same to the payment of any indebtedness secured hereby.

And furthermore, in case of default, and whether or not possession be taken, Grantee, its agent or legal representative, or the Sheriff of the County in which said property of any part thereof is located may, and is hereby authorized to, sell before the Courthouse door in the County in which said property or any part thereof is located, to the highest bidder for cash, all or any part of said property, in one or more sales (the power of sale herein contained not to be exhausted until all of said property has been sold), after advertising the time, place and terms of sale in any newspaper published in the County in which such sale is to be had once a week for four weeks; with the right to Grantee, its agent or legal representative, to become the purchaser at such sale; the proceeds of said sale to be applied, first to the payment of all amounts secured hereby with interest, all expenses of

sale, unpaid assessments and taxes, and any remainder to be paid to Grantor or to his personal representative or assignee.

And Grantee, its agent or legal representative, or the Sheriff aforesaid, is authorized to make to any purchaser of said property Fee Simple title to the same, thereby divesting out of Grantor all right, title and equity that said party has, or may hereafter have, in and to said property, and vesting the same in the purchaser thereof; and the purchaser may enter upon the premises and take possession of all improvements thereon and the property herein conveyed and dispossess the Grantor and any and all persons in possession under Grantor, said Grantor agreeing that possession will be surrendered without let or hindrance of any kind.

And Grantee upon complaint filed or other legal proceeding being commenced to realize on the security afforded by this deed may apply for and shall as a matter of right and without consideration for the value of the property conveyed as security for the amounts due to Grantee or of the solvency of any person or persons obligated for the payment of such amounts and without notice, be entitled to the appointment by any competent court of a receiver to take charge of and hold the property hereby conveyed and the rents, issues and profits thereof, for the benefit of Grantee.

Wherever the word "Grantor" is used herein the same shall be construed to include, when appropriate, either gender and both singular and plural, as shall also the pronouns used herein, which are applicable thereto, and the grammatical construction of sentences shall conform thereto.

Any transferee hereof, his agent or legal representative, shall have all the rights, powers, privileges and options hereby vested in Grantee; and any successor to

Grantor in title to the property hereby conveyed shall be charged with the performance of all ocvenants made by Grantor herein, and shall be responsible for all duties and obligations herein imposed on Grantor.

But the foregoing powers for realizing on this security are cumulative only of the remedies to which said Grantee, its successors and assigns, may be entitled under the laws of Georgia.

WITNESS the hand and seal of Grantor, this 20th day of November, 1963.

Signed, sealed and delivered in the presence of: As to A. E. Barnes, III and Herbert Smart in Bibb Co., Ga.

.....  
MARY J. BAYER

.....  
FRANKLIN L. COLSTON  
Notary Public, State of Georgia,  
Residing in Bibb County, Ga.

(See below for attestation as to R. E. Lucas)

VINEVILLE  
PRESBYTERIAN  
CHURCH

By .....(L.S.)  
A. E. BARNES III  
Trustee

.....(L.S.)  
TRUSTEE

.....(L.S.)  
R. E. LUCAS  
Trustee

Clerk's Office, Bibb Superior Court

Filed for Record Nov. 21,  
Nov. 22, 1963 at 10:40 M.

Recorded in Book 913 Folio  
435

.....Clerk

As to R. E. Lucas in Lowndes County, Georgia.

.....  
CORINNE PETERSON

.....  
R. E. BRADFORD  
Notary Public, State of Georgia  
Residing in Lowndes County.  
Notary Public, Lowndes County, Georgia  
My Commission Expires Aug. 19, 1966.

## VERIFICATION

GEORGIA, BIBB COUNTY.

Comes now CHARLES T. WOLF, who, after first being duly sworn, deposes and says that he is one of the defendants named in the within suit and that the facts set forth in the foregoing Answer are true and correct.

CHARLES T. WOLF  
Charles T. Wolf

Sworn to and subscribed before me  
this 17th day of May, 1976.

MRS. EMMA J. RICHARDSON  
*Notary Public, State of Georgia*  
Residing in Bibb County

## CERTIFICATE OF SERVICE

GEORGIA, BIBB COUNTY.

I, W. WARREN PLOWDEN, JR., one of counsel of record for the defendants, do hereby certify that I have this day served the within and foregoing Answer of Defendants upon the plaintiffs by hand delivering copies of same to their attorneys of record as follows:

Messrs. John B. Harris, Jr. and T. Reese Watkins  
Harris, Watkins, Taylor & Davis  
1200 Georgia Power Building  
Macon, Georgia 31201

and

Messrs. H. T. O'Neal, Jr. and Manley F. Brown  
Adams, O'Neal, Hemingway, Kaplan, Stone & Brown  
1000 American Federal Building  
Macon, Georgia 31201

This 17th day of May, 1976.

W. WARREN PLOWDEN, JR.  
W. Warren Plowden, Jr.



## STIPULATION OF FACTS, FILED 3/14/77

IN THE SUPERIOR COURT OF BIBB COUNTY  
STATE OF GEORGIA

R. W. JONES, et al.,

*Plaintiffs*

v.

Civil Action  
No. 45787 D-2

CHARLES T. WOLF, et al.,

*Defendants*

## STIPULATION OF FACTS

Come now all of the parties in the above-captioned case and, by and through their counsel of record, stipulate as hereinafter set forth:

The Vineville Presbyterian Church was organized in the year 1904. On April 14 of that year some 48 citizens of Bibb County, Georgia submitted a petition to the Macon Presbytery of Augusta-Macon Presbytery of the Presbyterian Church in the United States seeking to be organized into a Presbyterian Church. Shortly thereafter, the petition was granted and the Vineville Presbyterian Church was established as a Member-Unit of the Augusta-Macon Presbytery of the Presbyterian Church in the United States.

The Presbyterian Church in the United States has what is generally known as a "connectional" form of government and the structure of the Presbyterian Church in the United States is set forth in the "Book of Church Order", the "Fourteenth Printing 1972", being the Book in effect during the year 1973, a copy of which is hereto attached, marked Exhibit "A", and by reference made a part of these Stipulations.

Title to the property involved in this litigation, which plaintiffs contend defendants are illegally holding and enjoying, to the exclusion of plaintiffs, was acquired by instruments of conveyance, copies of which are hereto attached, marked Exhibits "B", "C", "C-1", "D", "E", "F", "G", "H", and "I", and by reference made a part hereof.

Vineville Presbyterian Church is an incorporated body, having been incorporated on April 29, 1915, pursuant to a charter granted by the Superior Court of Bibb County, Georgia, a copy of said charter being hereto attached, marked Exhibit "J", and by reference made a part hereof; said charter was revived and renewed according to Exhibit "K", hereto attached and made a part hereof.

Since the year 1908, the congregation of Vineville Presbyterian Church has dealt with the property which is the subject matter of this litigation as indicated by deeds to secure debt hereto attached, marked Exhibits "L", "M", "N", "O", "P", and "Q", and by reference made a part hereof.

On May 26, 1973, the Vineville Presbyterian Church was a Member-Unit of the Augusta-Macon Presbytery of the Presbyterian Church in the United States. On said date, plaintiffs and the class they represent and defendants and the class they represent were members of the Vineville Presbyterian Church.

On May 27, 1973, the members of the class represented by the defendants submitted to the congregation of the Vineville Presbyterian Church, at a time when a quorum was present, a resolution, a copy of which is hereto attached, marked Exhibit "R", and by reference made a part hereof. The resolution was adopted with 165 members voting in favor of the resolution and 94 voting against it. The defendants and the class they represent

are comprised of the 165 members voting in favor of the resolution. The plaintiffs and the class they represent are comprised of the 94 members voting against the resolution.

Thereafter, on May 27, 1973, defendant, F. Lamar Fleming, on behalf of the defendants, caused the Augusta-Macon Presbytery to be notified, among other things, of the resolution and vote thereon, all as set forth in a copy of said notice attached hereto, marked Exhibit "S", and by reference made a part hereof. Defendant, Henry M. Hope, Jr., was Pastor of Vineville Presbyterian Church on said date of May 27, 1973, and he caused a letter to be written and signed by him, and delivered to the addressee, a copy thereof being hereto attached, marked Exhibit "T", and by reference made a part hereof. The action taken by the Augusta-Macon Presbytery appears in a document hereto attached, marked Exhibit "U", and by reference made a part hereof.

Subsequently, the defendants and the class they represent, of the Vineville Presbyterian Church, by unanimous vote, united with the Central Georgia Presbytery of the Presbyterian Church in America.

The defendants and the class they represent have at all times since May 27, 1973, retained possession, dominion and control of all property and assets of the Vineville Presbyterian Church, to the complete exclusion of utilization of any of said property by plaintiffs, and the class they represent, as a local unit of the Presbyterian Church in the United States, but not otherwise. At all times since May 27, 1973, plaintiffs and the class they represent have met and carried on their church activities at various locations other than 2193 Vineville Avenue.

The defendants have stricken the names of plaintiffs and the class they represent from the rolls of Vineville Presbyterian Church and have so notified plaintiffs and

the class they represent, in writing, all as appears by a document hereto attached as Exhibit "V", and by reference made a part hereof, said attached document being typical of notices sent to the plaintiffs and all of the class they represent.

The Book of Church Order of the Presbyterian Church in the United States has had a publication thereof subsequent to the Book of Church Order "Fourteenth Printing 1972", hereinbefore referred to, which incorporated "Changes Made at the 112th General Assembly"; the subsequent publication thereof being "Fifteenth Printing 1975", incorporating "Changes Made at the 115th General Assembly", wherein a new section was added to Chapter 4, entitled "The Organizing of a Particular Church", the new section being as follows:

"¶ 4-2. The relationship to the Presbyterian Church U.S. of a particular church can be severed only by constitutional action on the part of the presbytery of which it is a member."

A copy of revised Chapter 4 of the Book of Church Order is hereto attached, marked Exhibit "W", and by reference made a part hereof.

The United Presbyterian Church in the United States of America (UPCUSA) is a Presbyterian denomination which is not connected with the Presbyterian Church in the United States (PCUS). The UPCUSA denomination has its Book of Church Order, which contains a chapter dealing with the property of local churches. This chapter is denominated Chapter XXXII, and a copy of this chapter is attached hereto and marked Exhibit "X".

The United Methodist Church is a connectional denomination with churches throughout the United States. It has no connectional affiliation with the PCUS. The United Methodist Church has a Book of Discipline by

which it is governed, and Chapter 6 of said Book deals with church property. Section 1 of Chapter 6 is attached hereto and is marked Exhibit "Y".

The pending law suit between the parties is a proper class action in which the named plaintiffs will fairly insure the representation of all members of their class, and the named defendants will fairly insure the representation of all members of their class.

The defendants do not claim any right of possession of the Church edifice and other Church assets by virtue of any claim or contention arising under or by virtue of §§22-5504 or 5506 of the Georgia Code Annotated.

In lieu of making a new party defendant, the parties hereto agree that Vineville Presbyterian Church, a non-profit corporation of the State of Georgia, shall be bound by any judgment rendered in this case affecting the named defendants to the same extent as if Vineville Presbyterian Church, a non-profit corporation of the State of Georgia, had been made a party to the litigation.

The allegations of fact contained in the complaint which are admitted in the answer, together with the facts established by this Stipulation and its attached exhibits, to the extent that the same are determined to be relevant and material by the Court, shall form the basis for a decision by the Court in this case.

The pleadings in this case, together with this Stipulation and its attached exhibits, shall form the basis for a decision by the Court in this case. It is agreed that this Stipulation shall be submitted to the Court for approval, that upon such approval being endorsed hereon by an order of the Court, the same shall be filed of record in the case, and the Court may render a final decision without the intervention of a jury, based on the pleadings and this Stipulation, and such additional evidence, if any, as may be required by the Court.

SO STIPULATED, this 14th day of March, 1977.

HARRIS, WATKINS, TAYLOR  
& DAVIS

By: JOHN B. HARRIS, JR.  
John B. Harris, Jr.

P.O. Address:

1200 Georgia Power  
Building  
Macon, Georgia 31201

T. REESE WATKINS  
T. Reese Watkins

*Attorneys for Plaintiffs*

ADAMS, O'NEAL, HEMINGWAY,  
KAPLAN, STONE & BROWN

By: H. T. O'NEAL, JR.  
H. T. O'Neal, Jr.

P.O. Address:

1000 American Federal  
Building  
Macon, Georgia 31201

MANLEY F. BROWN  
Manley F. Brown

*Of Counsel for Plaintiffs*

JONES, CORK, MILLER  
& BENTON

By:  
Wallace Miller, Jr.



P.O. Address:

500 First National  
Bank Building  
Macon, Georgia 31201

W. Warren Plowden, Jr.

*Attorneys for Defendants*

SELL, COMER & POPPER

By:

Ed Sell, Jr.

P.O. Address:

1414 Georgia Power  
Building  
Macon, Georgia 31201

*Attorneys for Defendants*

# ORDER OF THE COURT

The above and foregoing Stipulation having been signed by counsel of record for all parties, and said Stipulation having been submitted to the Court for sanction and for an Order that the same be filed of record;

IT IS, UPON CONSIDERATION, ORDERED that said Stipulation be approved and sanctioned, and it is ordered that the same be filed as part of the record in this case.

SO ORDERED, this       day of March, 1977.

James B. O'Connor, Judge Presiding  
of Bibb Superior Court

[Exhibit A appears above as Complaint Ex. A; see p. 11,  
above]

\* \* \* \*

[Exhibit B appears above as Answer Ex. A; see p. 247,  
above]

\* \* \* \*

[Exhibit C appears above as Answer Ex. B; see p. 249,  
above]

\* \* \* \*

[Exhibit D appears above as Answer Ex. C; see p. 251,  
above]

\* \* \* \*

[Exhibit E appears above as Answer Ex. D; see p. 253,  
above]

\* \* \* \*

[Exhibit F appears above as Answer Ex. E; see p. 256,  
above]

\* \* \* \*

[Exhibit G appears above as Answer Ex. F; see p. 261,  
above]

\* \* \* \*

[Exhibit H appears above as Answer Ex. G; see p. 264,  
above]

\* \* \* \*

[Exhibit I appears above as Answer Ex. H; see p. 268,  
above]

\* \* \* \*

[Exhibit J appears above as Answer Ex. I; see p. 271,  
above]

\* \* \* \*

[Exhibit K appears above as Answer Ex. J; see p. 274,  
above]

\* \* \* \*

[Exhibit L appears above as Answer Ex. K; see p. 278,  
above]

\* \* \* \*

[Exhibit M appears above as Answer Ex. L; see p. 282,  
above]

\* \* \* \*

[Exhibit N appears above as Answer Ex. M; see p. 286,  
above]

\* \* \* \*

[Exhibit O appears above as Answer Ex. N; see p. 294,  
above]

\* \* \* \*

[Exhibit P appears above as Answer Ex. O; see p. 299,  
above]

\* \* \* \*

[Exhibit Q appears above as Answer Ex. P; see p. 306,  
above]

\* \* \* \*

[Exhibit R appears above as Complaint Ex. B; see p. 228,  
above]

\* \* \* \*

[Exhibit S appears above as Complaint Ex. D; see p. 233,  
above]

\* \* \* \*

[Exhibit T appears above as Complaint Ex. E; see p. 234,  
above]

\* \* \* \*

[Exhibit U appears above as Complaint Ex. F; see p. 235,  
above]

\* \* \* \*

## EXHIBIT V

## VINEVILLE PRESBYTERIAN CHURCH

2193 Vineville Avenue

Macon, Georgia

June 3, 1976

Mr. and Mrs. Dan Danwody, Jr.,  
Dan, III, Dale, and Doug  
7071 Malvern Hill Drive  
Macon, Georgia 31204

Dear Mr. and Mrs. Danwody,  
Dan, III, Dale, and Doug:

By action of the Session of the Vineville Presbyterian Church, Inc., 2193 Vineville Avenue, Macon, Georgia; and in conformance with the applicable provisions contained in the *Book of Church Order* of the Presbyterian Church in America, the names of those persons listed above have been removed from the membership roll of said church.

Sincerely,

CHARLES T. WOLF  
Charles T. Wolf, Jr.,  
*Chairman*  
Session's Commitment  
Committee

CTW, Jr./ayp



**EXHIBIT W**

able, should be convened by the Session on the Lord's Day, and at other suitable times, for prayer, praise, the reading and expounding of the Holy Scriptures, and exhortation or the reading of a sermon of some approved Minister. In like manner, Christians in places where there is no church ought to meet regularly for the worship of God.

**CHAPTER 4****The Organizing of a Particular Church**

§ 4-1. A church can be organized only by the authority of Presbytery. The Presbytery may proceed with the organization directly, or through a Commission, or through an Evangelist to whom the Presbytery has entrusted the power to organize churches. In the organizing of a church, the procedure shall be as follows:

(1) Church members shall present evidences of their membership, and applicants for admission to the Church on profession of faith in Christ shall present themselves for examination and baptism as necessary.

(2) These persons shall then be required to enter into covenant, by answering the following questions affirmatively with uplifted hand: "Do you, in reliance on God for strength, solemnly promise and covenant that you will walk together as an organized church, on the principles of the faith and order of the Presbyterian Church in the United States, and that you will be zealous and faithful in maintaining the purity and peace of the whole Church?"

(3) The presiding Minister shall then say: "I now pronounce and declare that you are constituted a church according to the Word of God and the faith and order of the Presbyterian Church in the United

States. In the name of the Father, and of the Son, and of the Holy Spirit. Amen."

(4) Ruling Elders and Deacons shall then be elected, if the way be clear, and steps taken for their instruction, examination, ordination, and installation.

(5) Action shall be taken to secure, as soon as practicable, the regular preaching of the Word and administration of the Sacraments. [See §10-6; 23-4.]

§ 4-2. The relationship to the Presbyterian Church U.S. of a particular church can be severed only by constitutional action on the part of the presbytery of which it is a member.

**CHAPTER 5****Congregational Meetings**

§ 5-1. The Congregation consists of all the communing members on the active roll of a particular church. Only such members in good standing who are present at a congregational meeting are entitled to vote. A Congregation may at its discretion set a minimum age for the voting of communing members in congregational meetings, provided that such age be not more than sixteen.

§ 5-2. The Session shall call a congregational meeting whenever necessary. It shall give public notice at least one week in advance. Only business stated in the notice shall be transacted. The Session shall call a congregational meeting without delay when requested in writing by one-fourth of the congregation.

§ 5-3. If the church has not more than one hundred members on the active roll, the quorum of a congregational meeting shall consist of one-fourth of such members. If the church has more than one hundred members

on the active roll, the quorum shall be one-tenth of such members, but not less than twenty-five.

§ 5-4. The Pastor shall be the Moderator of congregational meetings by virtue of his office. If it should be impracticable or inexpedient for him to preside, or if there is no Pastor, the Session shall appoint one of its number to call the meeting to order and to preside until the congregation shall elect its presiding officer, who shall be a Minister of the Presbyterian Church in the United States or any adult member of that particular church. [See §25-6.]

§ 5-5. A Clerk shall be elected by the congregation to serve at that meeting or for a definite period, or the Clerk of the

## EXHIBIT X

### CHAPTER XXXII

#### Of Incorporation and of Trustees

62.01 1. THE GENERAL ASSEMBLY shall cause a corporation to be formed and maintained such as will enable it to receive, hold, and transfer property, and to facilitate the management of its corporate affairs in such manner as may be directed by the General Assembly from time to time.

62.02 2. Each synod shall be incorporated, cause a corporation to be formed and maintained, or in states forbidding the incorporation of religious bodies elect from its members individual trustees: to receive, hold, encumber, manage and transfer property, and to facilitate the management of its civil affairs in such manner as may be directed by the synod from time to time and according to this Constitution.

62.03 3. Each presbytery shall be incorporated, cause a corporation to be formed and maintained, or in states forbidding the incorporation of religious bodies elect from its members individual trustees: to receive, hold, encumber, manage and transfer property, and to facilitate the management of its civil affairs in such manner as may be directed by the presbytery from time to time and according to this Constitution.

62.04 4. Each particular church shall be incorporated, cause a corporation to be formed and maintained, or in states forbidding the incorporation of religious bodies elect from its members individual trustees: to receive, hold, encumber, manage and transfer property, and to facilitate the management of its civil affairs in such manner as may be directed by the session of the particular

church from time to time and according to this Constitution.

62.05 5. Only active members of a particular church shall be permitted to vote at meetings of the church corporation.

62.06 6. The duties and powers of the trustees of a particular church shall not infringe upon the duties and powers of the session. In accordance with the tradition and will of the particular church, the duties and powers of the trustees may be those described in either one or the other of the two paragraphs following:

62.061 (1) In a church which elects deacons to perform all the duties set forth in Form of Government, Chapter X, Section 5, the duties and powers of the trustees shall be to receive, hold, and transfer property, including the investment and reinvestment of permanent funds entrusted to them, being subject always to the authority and instructions of the corporation, or of the congregation if the church be not incorporated.

62.062 (2) In a church which does not elect deacons to perform all the duties set forth in Form of Government, Chapter X, Section 5, the duties and powers of the trustees shall be those set forth in Section 6(1) above, together with such other duties and powers set forth in Form of Government, Chapter X, Section 5, as the particular church may determine to be the duties of the trustees rather than of the deacons.

62.07 7. The term "trustees," as it is used in this Form of Government in relation to a particular church, designates such officers as shall be elected by the church to fulfill the requirements of civil law in respect to the church corporation, whether or not they are called trustees of the civil law. Trustees (both men and women) of a particular

church shall be chosen at such time and in such manner as may be required by civil law, with two further conditions: (1) they shall be active members of said church, and (2) the provisions of Chapter XVII relating to the nomination, election, and tenure of ruling elders and deacons shall apply with equal force to trustees, except as the civil law may otherwise require; provided, however, that any trustee in office on May 23, 1952, may be retained in office for that person's term then current or any extension thereof, at the discretion of the congregation; and further provided, that condition (1) shall not apply to The National Presbyterian Church of Washington, D.C., wherein the General Assembly, when incorporating The National Presbyterian Church, specifically provided otherwise.

62.08 8. Whether by civil law the trustees of a particular church hold title to its property or are the officers of a corporation which holds title thereto, they shall deal with such property only as they may be authorized or directed by the session, and their authority in respect to the selling, mortgaging, and leasing of real property shall be subject also to any rights reserved to the congregation by civil law or the bylaws of the particular church and to the permission of presbytery as herein provided.

The trustees of a particular church shall exercise any other powers or authorities vested in them by civil law in conformity with the actions of the session as conveyed to them from time to time. They shall also perform such other duties relating to the property or finances of the church as may be delegated to them by the session. The trustees shall submit a financial statement of all matters committed to them and a report of their proceedings to the session for review at least once a year and at other times upon request of the session.

While trustees, like other boards and bodies of a particular church, hold authority subordinate to that of



the session, the office of trustee is one of dignity and responsibility, requiring ability and devotion. Trustees, upon their election, shall be properly recognized at a service of worship and set apart to the discharge of their responsibility by prayer.

62.09 9. Unless otherwise provided for, all particular church corporation meetings shall be called by giving public notice thereof from the pulpit on the two successive Sundays next preceding the day of such meeting.

62.10 10. Voting by proxy shall not be permitted except in those states where voting by proxy in religious corporations is expressly required by statute.

62.11 11. Whenever hereafter a particular church is formally dissolved by the presbytery, or has become extinct by reason of the dispersal of its members, the abandonment of its work, or other cause, such property as it may have, both real and personal, shall be held, used, and applied for such uses, purposes, and trusts as the presbytery may direct, limit, and appoint, or such property may be sold or disposed of as the presbytery may direct, in conformity with the Constitution of The United Presbyterian Church in the United States of America.

62.12 12. A particular church shall not sell, mortgage or otherwise encumber any of its real property and it shall not acquire real property subject to an encumbrance or condition without the written permission of the presbytery transmitted through the session of the particular church.

A particular church shall not lease its real property used for purposes of worship, or lease for more than five years any of its other real property, without the written permission of the presbytery transmitted through the session of the particular church.

## EXHIBIT Y

### CHAPTER SIX

#### Church Property

##### Section I. All Titles—in Trust.

¶ 1401. The United Methodist Church is organized as a **connectional structure**, and titles to all properties held at General, Jurisdictional, Annual, or District Conference levels, or by a local church or charge, or by an agency or institution of the Church, shall be held in trust for The United Methodist Church and subject to the provisions of its Discipline.

¶ 1402. The word "Methodist" is not by our approval or consent to be used as, or as a part of, a trade name or trademark or as a part of the name of any business firm or organization, except by corporations or other business units created for the administration of work undertaken directly by The United Methodist Church.

¶ 1403. *Trust Clauses in Deeds.*—1. Except in conveyances which require that the real property so conveyed shall revert to the grantor if and when its use as a place of divine worship has been terminated, all written instruments of conveyance by which premises are held or hereafter acquired for use as a place of divine worship for members of The United Methodist Church or for other church activities shall contain the following trust clause:

*In trust, that said premises shall be used, kept, and maintained as a place of divine worship of the United Methodist ministry and members of The United Methodist Church; subject to the Discipline, usage, and ministerial appointments of said church as from time to time authorized and declared by the General Conference and by the*

*Annual Conference within whose bounds the said premises are situated. This provision is solely for the benefit of the grantee, and the grantor reserves no right or interest in said premises.*

2. All written instruments by which premises are held or hereafter acquired as a parsonage for the use and occupancy of the ministers of The United Methodist Church shall contain the following trust clause:

*In trust, that such premises shall be held, kept, and maintained as a place of residence for the use and occupancy of the ministers of The United Methodist Church who may from time to time be entitled to occupy the same by appointment; subject to the Discipline and usage of said church, as from time to time authorized and declared by the General Conference and by the Annual Conference within whose bounds the said premises are situated. This Provision is solely for the benefit of the grantee, and the grantor reserves no right or interest in said premises.*

3. In case the property so acquired is to be used for both a house of worship and a parsonage, the provisions of both trust clauses specified in §§1 and 2 above shall be inserted in the conveyance.

4. In case the property so acquired is not to be used exclusively for a place of worship, or a parsonage, or both, all written instruments by which such premises are held or hereafter acquired shall contain the following trust clause:

*In trust, that said premises shall be kept, maintained, and disposed of for the benefit of The United Methodist Church and subject to the usages and the Discipline of The United Methodist Church. This provision is solely for the benefit of the grantee, and the grantor reserves no right or interest in said premises.*

5. However, the absence of a trust clause stipulated in §§1, 2, 3, or 4 above in deeds and conveyances previously

executed shall in no way exclude a local church or church agency from or relieve it of its connectional responsibilities to The United Methodist Church. Nor shall it absolve a local congregation or church agency or Board of Trustees of its responsibility and accountability to The United Methodist Church; *provided* that the intent and desires of the founders and/or the later congregations or Boards of Trustees are shown by any or all of the following indications: (a) the conveyance of the property to the trustees of a local church or agency of any predecessor to The United Methodist Church; (b) the use of the name, customs, and polity of any predecessor to The United Methodist Church in such a way as to be thus known to the community as a part of such denomination; (c) the acceptance of the pastorate of ministers appointed by a bishop or employed by the superintendent of the District or Annual Conference of any predecessor to The United Methodist Church.

¶ 1404. Nothing in the Plan of Union at any time after the union is to be construed so as to require any existing local church of any predecessor denomination to The United Methodist Church to alienate or in any way to change the title to property contained in its deed or deeds at the time of union, and lapse of time or usage shall not affect said title or control. Title to all property of a local church, or charge, or agency of the Church shall be held subject to the provisions of the Discipline, whether title to the same is taken in the name of the local church trustees, or charge trustees, or in the name of a corporation organized for the purpose, or otherwise.

¶ 1405. Subject to and in accordance with the laws of the state, province, or country, the governing body of any church unit or agency owning land in trust for The United Methodist Church as provided in this Discipline may lease said land for the production of oil, gas, coal, and other minerals, upon such terms as it may deem best; *provided*,

however, that such production shall not interfere with the purpose for which said land is held. The moneys received from such leases as rentals, royalties, or otherwise, shall be used ~~so far as~~ practicable for the benefit of the church unit and for the promotion of the interests of The United Methodist Church. The lessee shall have no control over or responsibility for the payments made under such lease.